JUDGEMENTS

As they were upon Solemne
ARGUMENTS given
IN THE

UPPER-BENCH

AND

COMMON-PLEAS,

Upon the moſt difficult POINTS in
ALL MANNER OF

ACTIONS:

Together with the *Terms* and *Number-Rolls*, In which the ſame are Entred.

As alſo other ſpeciall Judiciall proceedings in Order thereunto; taken out of the *Records* of the ſame Court, very uſefull for all Clerks, Attorneys, and others.

With an exact Alphabeticall Table, *wherein may be found the principall matters therein contained.*

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BIBLIOTHECA · BODLEIANA ·
DOMINUS ILLUMINATIO MEA

TO THE READER.

NO man will queſtion it, but as the life of the Law doth ſubſiſt in the Execution of it, ſo the life of that Execution lies in the well entring of the Judgments that warrants the ſame: For if that Foundation faile all the precedent and ſubſequent proceedings thereupon fall to the ground, (and that with ſome danger to the Executioner too.) And by this Failer the Judgement is often vacated, the whole proceedings rendered fruitleſſe, and in the unhappy conſequence, the Clyents charge and paines utterly loſt, the Court ſcandalized, and the very Law it ſelfe not free from contempt. Before Judgment there are ſome wayes to ſalve the miſpriſions, ſlips, & negligences of Clerks, and ſo there is in the proceſs & proceedings after Judgement, but if it fall out to be erronious, there is no Cure. Therefore to prevent that unhappineſs

which too often befalls the Clyent in this particular, this Book is publiſhed, being the true Copies or Tranſcripts of divers Judgments and proceedings now upon Record in the Courts of the Upper-Bench *and* Common-Pleas. *And becauſe ſuch as have occaſion to make uſe thereof, may receive the better ſatisfaction touching the ſame; the* Court-Terme *and* Number-Roll, *in which the ſaid Iudgments are entred, are hereby expreſſed. Theſe entries were firſt collected for the private uſe of an* Entring Clerk, *but are now thought fit to be made publique, not only for the information of Clerks that enter Iudgments, but for the benefit of ſuch other, who are enforced to flye to the Law for Releife, as their particular Caſes do require. Not for his owne ſo much as publique good, hath the Collector preſented them to view, knowing that* Omne bonum quo communius eo melius:

FARWELL.

JUDGMENTS
Given in the Court of COMMON-PLEAS, in all manner of Actions whatsoever: Together with the Number Rolls in which they are entred.

Attaint.

Rin. 10. *Eliz. rot.* 737. At which Day here came as well the ſaid *James* as the ſaid *John Hayman*, And the aforeſaid *Richard Cod* and nine others, &c. ten of the Jurors of the firſt Inquiſition aforeſaid, by their Attorneys aforeſaid; and the aforeſaid *John Farmer* and *Ralph*, two of the Jurors of the reſidue of the ſame firſt Inquiſition, being called, came not; And hereupon the ſaid *James* ſaith, that the ſaid *John Farmer* and *Ralph* are dead and dyed at *Maid-*

The Jurors confeſſe the Attaint.

Two of the Jurors dead after the laſt continuance.

Stone in the County aforeſaid, after the laſt continuance of the Plea aforeſaid, &c. And the ſaid *John Hayman*, and the ſaid ten Jurors of the firſt Inquiſition aforeſaid now appearing, do not deny this, but do well conteſſe, and alſo *Gilbert Gerrard* Eſquire Attorney Generall of the Lady the Queen, likewiſe to this being called, and anſwering hereunto doth not deny the ſame; And alſo ſaith, that to him it is credibly informed, that the ſame allegation of the ſaid *James* is true. And becauſe it ſeemeth to the Juſtices here that propriety of the Goods and Chattells aforeſaid, the time in which, &c. was in the ſaid *Henry Nevill* Lord of *Abergeveny* and not in the ſaid *John Hayman*.

Attorney Generall confeſſeth the attaint.

Judgment for reſtitution.

Therefore it is conſidered that the ſaid *James* be reſtored to the ſaid five pounds eighteen ſhillings four pence which he loſt by occaſion of the falſe Oath aforeſaid; And that the ſaid *James* may recover againſt the ſaid *John Hayman* his damages aforeſaid to ſeven pounds by the aforeſaid Jury of twenty foure Knights in forme aforeſaid aſſeſſed, and alſo thirteen pounds to the ſame *James*, at his requeſt for his coſts and charges aforeſaid by the Court here for increaſe adjudged, which ſaid damages beſides the

Judgment for damages & coſts of ſuit.

the ſaid five pounds eighteen thillings and foure pence in the whole do amount to twenty pounds. And the ſaid *John Heyman* in mercy, &c. And it is further conſidered according to the forme of the Statute aforeſaid, that every one of the ſaid tenn Jurors of the firſt Inquiſition aforeſaid (that is to ſay) *Richard Codd*, and nine *of the others* ſhall forfeit one hundred ſhillings, whereof one moity ſhall be to the Lady the Queen, and the other moiety to the ſaid *James*. And moreover that every one of the ſaid ten Jurors of the ſaid firſt Inquiſition make a fine and redemption by the occaſion aforeſaid (that is to ſay) both of them *Richard Codd* and *John D.* to forty ſhillings. And every one of them, *Robert F.* and ſeven of the reſt to five ſhillings by the ſame Jurors here by their diſcretion aſſeſſed; And the ſame ten Jurors of the firſt Inquiſition may be taken, &c.

A Fine adjudged Jurors.

Audita Querela.

Beverley againſt *Vnet*, *Eaſter*, 4. *Car. rot.* 788. Afterwards, &c. Therefore it is conſidered that the ſaid Plaintiffe from his execution aforeſaid, by reaſon of the aforeſaid writing in the nature of

For reſtitution of goods and Lands, and the profits thereof.

a Statute Staple againſt the ſaid defendant as aforeſaid had, may be barred; And that the ſaid Manucaptors be thereof diſcharged, and that the ſaid Lands, Tenements, and Reverſions aforeſaid, with the appurtenances by the ſaid Defendant in forme aforeſaid and out of the cauſe aforeſaid extended, and to the ſaid Defendant by the ſaid Sheriff delivered to the ſaid plaintif, may be redelivered. And that the ſame Plaintiffe to all his goods and Chattells, and to the poſſeſſion of the Lands and Tenements aforeſaid with the appurtenances by the ſaid Defendant in execution by reaſon of the writing aforeſaid, as aforeſaid extended, apprized, and in extent delivered, and alſo to the iſſues and profits of the ſame Lands and Tenements aforeſaid, with the appurtenances from the time of the delivery of the ſame in extent, to the ſaid Defendant in forme aforeſaid, may be reſtored. But becauſe it is unknowne what the goods and chattells aforeſaid are worth, and to what value the iſſues and profit of the Lands and tenements and Reverſions aforeſaid with the appurtenances, untill the rendring of the Judgment aforeſaid (that is to ſay) on the aforeſaid morrow of the holy Trinity, are worth

and

and extended. It is commanded to the Sheriffe of the County of *T.* that by the Oath of honeſt and lawfull men of, &c. he diligently enquire what the goods and chattells aforeſaid are worth, according to the true value of the ſame, and to how much the iſſues and profits of the Lands, and Tenements and reverſions aforeſaid to the ſaid Defendants in forme aforeſaid delivered from the time of the delivery of the ſame to the ſaid Defendants, untill the ſaid day of the rendring of the Judgment aforeſaid (that is to ſay) (ſuch a day) are worth and extended; and the Inquiſition which, &c. the Sheriffe make manifeſt here in the morrow of the holy Trinity under the Seal, &c. and the Seals &c. And hereupon the ſaid Plaintiffe prayeth a Writ to be directed to the Sheriffe of the County of *T.* aforeſaid, to cauſe the poſſeſſion of the Lands and Tenements aforeſaid, with the appurtenances, together with the iſſues and profits of the ſame, and alſo the reverſions of the premiſes by the Inquiſition aforeſaid found, to be reſtored and redelivered, and to him it is granted retornable here at the ſaid time, &c.

A Judgment vacated for the Plaintiff in the Writ.

Mich. 18. and 19. *Eliz. rot.* 1908. Judgment for the Plaintiffe in an *Audita Querela.* Therefore it is considered that the said *John Norton* and *R. Farley* from their execution aforesaid, by vertue of the judgment aforesaid, of, and for the Debt and Damages aforesaid against the said *B.* to be had, be barred, &c.

Judgment for the Defendant in the Writ and the Plaintiffe nil cap. per breve

Tr. 21. *Eliz. rot.* 1446. Judgment for the Defendant. Therefore it is considered, that the said *A.* take nothing by his writ aforesaid, but be in mercy for his false plaint thereupon; And the said *Jane* may go thereof without day.

Account.

Trin. 10. *Car. rot.* 446. *&c.* At which day, &c. Unlesse, &c. afterwards, &c. Therefore it is considered that the said *T.* shall account with the said *T. I.* from the time, and for the monies aforesaid. And the said *S. S.* in mercy because he did not account before, &c.

To account for part, & as to the residue, cat fine die.

Afterwards, &c. Therefore it is considered, that the said defendant shall account with the said Plaintiff from the time, and for the the monyes aforesaid, whereof he the said Defendant is found by the Jurors aforesaid to have received;

ceived; And the ſaid *A.* in mercy, becauſe he did not account before, &c. And alſo the ſaid Plaintiffe in mercy for his falſe plaint, as to the reſidue of the monyes aforeſaid, of the receipt whereof the aforeſaid Defendant by the Jurors aforeſaid is above acquitted, and the ſame *A.* may go thereof without day, *&c.*

Plea continued where plaint demurred.

T*R. in.* 7. *Car. rot.* 1231. At which day here came as well the ſaid Plaintiff as the ſaid Defendant by their Attorneys aforeſaid, and as to this, whereupon the parties aforeſaid above have put themſelves into the judgment of the Court, day thereupon is further given to the parties aforeſaid here untill in eight daies of Saint *M.* of hearing their judgment thereof, for that that the ſaid Juſtices here thereof not yet, &c. And as to this whereupon the partyes aforeſaid above have pleaded to the iſſue of the country between them to be tryed on the ſame three weeks of the *Holy Trinity*, the Jury thereof between the ſame parties of the plea aforeſaid was reſpited between them here untill this day (that is to ſay) the ſaid eight dayes of St: *M.* then next following, unleſſe *&c.* afterwards, *&c.* and becauſe the Juſtices here will further

Iſſue reſpited.

Juſtices ulterius adviſare volunt, of the verdict and the Defendants plea.

adviſe themſelves as well of, and upon the verdict aforeſaid, in forme aforeſaid rendred, as of and upon the aforeſaid plea of the ſaid Defendant, as to the ſaid fiftie three pounds whereupon the parties aforeſaid have above put themſelves into the Judgment of the Court before they give judgment thereupon. A day thereof is further given to the parties aforeſaid here (that is to ſay) in eight daies of St. *H.* of hearing their Judgment thereupon. for that, that the ſame Juſtices here not yet, *&c.* At which day here cometh as well, *&c.* and hereupon the plea aforeſaid of the ſaid Defendant being ſeen as to the ſaid fiftie three pounds by the ſaid Defendant as is ſuppoſed to be paid whereof the ſaid Defendant prayeth allowance; it ſeemeth to the ſame Juſtices here that the plea, and the matter in the ſame contained, is not ſufficient in Law to maintaine the ſaid Defendant to have allowance of the ſame fifty three pounds or any peny thereof in his account aforeſaid, as the ſaid plaintif above thereupon hath aleadged. Whereupon the ſaid plaintiff praieth Judgment againſt the ſaid defendant, of, and upon all, and ſingular the premiſes aforeſaid to him to be given. Therefore it is conſidered that the ſaid

Judgement for the plain iffe.

Plaintiff

Plaintiff ſhall recover againſt the ſaid Defendant the ſaid ſeventy one pounds, whereupon the ſaid Defendants is above convicted to account, and his damages aforeſaid by occaſion of the interpleading aforeſaid to ſix pence by the Jury, *&c.* And alſo *&c.* which ſaid damage, *&c.* and the ſaid Defendant in mercy, *&c.*

To account as Bailiffe and receiver for part and for the reſidue eat fine die.

T*Rin.* 20. *Jac. rot.* 1828. Afterwards *&c.* Therefore it is conſidered that the ſaid Defendant ſhall account with the ſaid Plaintiffe, as well from the time, in which he the ſaid Defendant was Bailiff of the ſaid Plaintiffe of the ſaid twenty Acres of Land with the appurtenances in *A.* and the ſaid thirty acres of Land with the appurtenances in *S.* aforeſaid, and had the care and authority of demiſing to farme all, and ſingular the ſaid Tenements with the appurtenances, and alſo to gather and receive the Rents to the ſaid Plaintiffe iſſuing out of the ſame tenements with the appurtenances to the uſe and profit of him the ſaid plaintiff as for the time and monyes aforeſaid by the Jurors aforeſaid, above found to be received by the hands of the ſaid *I. L.* and the ſaid Defendant in

in mercy, *&c.* becauſe he did not account for the ſame before, &c. And likewiſe the ſaid plaintiffe in mercy for his falſe plaint againſt the ſaid Defendant, as well from the care, and adminiſtration for the reſidue of the tenements aforeſaid as for the monyes aforeſaid; from the receipt whereof the ſaid Defendant from the account aforeſaid by the Jury aforeſaid is above acquitted; And the ſaid Defendant may go thereof without a day, *&c.*

To account for a moiety of the profits of Lands and wood growing there upon.

T *Rin. 6. Car. rot. 696.* Afterwards, *&c.* Therefore it is conſidered that the ſaid Plaintiffe ſhall recover againſt the ſaid Defendant as well the ſaid ſeverall ſummes of mony 4 *l.* 20 *s.* 60 *s.* 10 *d.* 6 *d.* 10 *d.* 10 *d.* & 10 *d.* parcell of the ſaid 20 *l.* being the iſſues and profits of the moity of ſix acres of Land with the appurtenances between the ſaid Feaſt of St. *M.* the *A.* in the aforeſaid twentieth yeare of the Raign of the late Lord King *James* of *England*, *&c.* and the ſaid Feaſt of St. *M.* in the ſaid fourth yeare of the Raign of the now Lord the King by the ſaid Defendant received and had; And 6 *s.* 10 *d.* for the value of the moity of the ſaid two Cart loads of Wood upon the

the ſaid ſix acres of Land with the appurtenances lately growing and by the ſame Defendant, cut, ſold, and to his uſe converted; in the whole amounting to o--o Whereupon the ſame Defendant is above convicted to account, and his damages aforeſaid to 2 *d.* by the Jury, *&c.* And alſo, *&c.* which ſaid damages beſides the ſaid ſix pounds in the whole do amount to o——o And the ſaid Defendant in mercy, *&c.* And alſo the ſaid Plaintiffe in mercy for his falſe plaint againſt the ſaid Defendant for the reſidue of the premiſes aforeſaid, whereof the ſaid Defendant from his account is above acquitted by the Jurors aforeſaid, And the ſaid Defendant may go thereof without a day, *&c.*

As to part eat ſine die.

Trin. 11 *Car. rot.* 2654 *Oct. M.* At which day came as wel the ſaid *William Hughs* as the ſaid *Ro. D.* by their Attorneys aforeſaid; And becauſe the Juſtices here will further adviſe themſelves of, and upon the premiſes aforeſaid, whereupon the parties aforeſaid have put themſelves into the Judgement of the Court before they render Judgment thereupon, A day to them is further given here untill in eight dayes of St. *H.* of hearing their Judgment

Continuance of the plea.

judgment thereupon for that, that the ſame Juſtices here thereof not yet, &c. And as to the iſſue aforeſaid above, between the ſaid parties joyned, to be tryed by the Conntry, the Sheriffe at the ſaid eight dayes of St. *H.* did not ſend the Writ; Therefore as before it is commanded to the Sheriffe that he cauſe to come here at the ſaid eight dayes of St. *H.* 12. &c. to recognize in forme aforeſaid, &c. At which day, &c. and ſo continue till *Cras. Trin.* 13. *Car.* At which day here came as well, &c. as, &c. by their Attornyes aforeſaid, and hereupon the premiſſes being ſeen, as to this, whereupon the parties aforeſaid have put themſelves into the judgment of the Court, and by the Iuſtices here fully underſtood, it ſeemeth to the ſaid Iuſtices here, that the ſeverall pleas of the ſaid *R. D.* as to the ſaid 20 *l.* which he the ſaid *R.* by the hands of the ſaid *J. F.* hath received, and the ſaid 18 *l.* reſidue of the ſaid 20 *l.* which he the ſaid *R.* by the hands of the ſaid *W. T.* at *H.* hath received, and alſo as to the ſaid 34 *l.* which the ſaid *R.* by the hands of *R. W.* by the appointment of the ſaid *W. T.* at *H.* hath received above in diſcharge of the account aforeſaid above pleaded, and the matter in the ſame pleas therein contained

Sheriffe non miſit breve Io. ſicut, &c.

The Demurrer overuled.

tained are not ſufficient in Law to diſcharge him the ſaid *R. D.* from his account aforeſaid, thereof as the ſaid *W. H.* above thereupon hath alleadged: Whereupon the ſaid *W. H.* doth freely acknowledge that he will not further proſecute againſt the ſaid *R. H:* as to the ſaid 40 *s.* parcell of the ſaid 20 *l.* which the ſaid *R. B.* by the hands of the ſaid *W. T.* hath received; And whereupon the parties aforeſaid have above pleaded to the Iſſue of the Countrey between them to be tryed, but that account by the ſame *R.* to the ſaid *W.. H* to be rendered, he freely here in Court doth remit and releaſe; And further to proſecute againſt the ſaid *R.* of and upon that plea thereupon doth wholly refuſe and diſavow. But prayeth Iudgment againſt the ſaid *R.* of the ſaid ſeveral ſummes of 30 *l.* 18 *l.* and 33. *l.* in whole amounting to 83 *l.* together with his dammages by occaſion of the interpleading aforeſaid to him to be adjudged.

The plaintiffe will not further proſecute.

Therefore it is conſidered that the ſaid plaintiff ſhall recover againſt the ſaid *R.* the ſaid 81 pounds, whereupon the ſaid *R.* is above convicted to account, and his damages by occaſion of the interpleading

Iudgment.

ding aforeſaid to eighteen pounds to the ſaid *W.* out of his Aſſent by the Court here adjudged: And the aforeſaid *R D.* thereof in mercy, *&c.* And hereupon the ſaid Plaintiff freely here in Court doth remit and releaſe the ſaid *R.* ſixty three pounds, of the ſaid eighty one pounds; therefore the ſaid *R.* as well of the ſaid ſixty three pounds, as of the ſaid forty ſhillings of his account aforeſaid, may be acquitted, and may go thereof without a day, *&c.*

The Plaintiffs releaſe per gratis.

Trin. 23. *Car. rot.* 1295. Therefore, *&c.* That the Defendant ſhall account with the Plaintiff for the time and monies aforeſaid, whereupon by the Jury aforeſaid, hee the ſaid Defendant is found to have received. And the ſaid defendant in mercy, becauſe he did not account for the ſame before, *&c.* And alſo the ſaid Plaintif in mercy for his falſe clamor, as to the reſidue of the ſaid monies, of the receipt whereof the ſaid Defendant by the Jury aforeſaid is above acquitted, and the ſaid Defendant may go thereof without a day, *&c.*

To account for part to the reſidue eat inde ſine die.

Trin.

To account for goods.

Trin. 22. *Car. rot.* 2426. Afterwards *&c.* Therefore, *&c.* that the ſaid defendant ſhal account with the plaintif for the time in which the defendant had the care and Adminiſtration of the ſaid one hogſhead of Wine called *Mallaga*, and one Butt of Wine called *Clarret*, *&c.* of the Goods and Chattells aforeſaid; and the ſaid Defendant in mercy, becauſe he did not, *&c.* And likewiſe the ſaid Plaintiff in mercy, for *&c.* for the reſidue of the Goods and Chattells, whereof the ſaid Defendant from the Account thereof aforeſaid is above acquitted, and the ſaid Defendant may go therof without a day *&c.*

Debt.

For the treble value upon the ſtatute for tithes.

Trin. 10 *Car. Rot.* 1374. *trin.* At which day the Jury, *&c.* unleſs *&c.* And now here at this day cometh the Plaintiffs by their Attorneyes aforeſaid, and the ſaid Juſtices, *&c.* Afterwards, *&c.* Therefore it is conſidered that the ſaid Plaintifs ſhall recover againſt the ſaid defendants the ſaid Debt of nine pounds, according to the form of the ſtatute for the trebble value of the

the Wheate, Barley, Peaſe, Beanes, and Oates aforeſaid, being un-divided, ſeperated, or ſet out from the nine parts aforeſaid, and by the ſaid Defendant againſt the form of the ſaid ſtatute, taken & carried away, which the ſaid Defendant by the Jury aforeſaid, is found to owe to the ſame Plaintiffs: And the ſaid Defendant in mercy, *&c.* and likewiſe the ſaid Plaintiffs in mercy for their falſe plaint, againſt the ſaid defendant for the reſidue of the Debt aforeſaid, whereof the ſaid Defendant by the Jury aforeſaid is above acquitted, and the ſaid Defendant may go thereof without a day, *&c.*

The Plaintiffs will not further proſecute for part, but pray judgement for the reſidue.

H. 9: *Car. rot.* 673. At which day here came the ſaid *E.* and *R.* by his Attorney aforeſaid, and as to the ſaid twenty pounds of the ſayd thirty pounds whereupon the parties aforeſaid have above pleaded to the iſſue of the country between them to be tryed, the ſayd *E.* and *R.* confeſs from hence in Court, they will not further proſecute againſt the ſaid *W.* of and upon their Plea thereupon aforeſaid; but further to proſecute againſt the ſaid *W.* of, and upon that plea, do wholy diſ-avow and refuſe, but pray their damages by occaſion of detaining of the ſaid

ten

ten pounds above acknowledged to them to be adjudged, &c. Therefore it is conſidered that the ſaid *E.* and *R.* ſhall recover againſt the ſaid *W.* their Damages by occaſion of detaining of the ſaid ten pounds above acknowledged to ſixe pounds to the ſaid *E.* and *R.* out of their own aſſent by the Court here adjudged, and the ſaid *W.* from thence in mercy, &c. And the ſaid *W.* of the ſaid twenty pounds of the reſidue of the Debt aforeſayd, may go from thence without day, &c.

The continuance of an Elegit.

H. 3. *Car. rot.* 1993, At which day, &c. (as in others) and are worth by the year in all Iſſues beſides the repriſes eight pounds, and for that noe body did come on the behalf of the ſaid Plaintiff to receive the moyety aforeſaid, according to the Exigence of the Writ aforeſaid; Therefore the moyety aforeſaid to the ſaid Plaintiff could not be delivered, as by that Writ to him it was commanded: And moreover, by the Inquiſition aforeſaid, it is found that no Goods nor Chattells which can in any manner be extended or appriſed, &c: And hereupon the ſaid Plaintiff prayeth

the a Writ of the Lord the King to the Sheriffof the County aforeſaid to be directed to cauſe to be delivered to him the moiety aforeſaid with the appurtenances in forme aforeſaid extended to hold to the ſaid plaintiff in forme aforeſaid, untill the Debt and damages aforeſaid be thereof fully levyed, and to him it is granted returnable here in eight daies of St. *H. &c.* ſo continue it till *H.* Terme 8 *Car.* At which day, here came the ſaid Plaintiffe by his Attorney aforeſaid; And the Sheriffe (that is to ſay) *W. F.* Eſquire now returned, that he by vertue of the Writ aforeſaid to him directed the aforeſaid moiety of the Lands and Tenements aforeſaid; (that is to ſay) the ſaid parcell of Land with the appurtenances called *M.* of aforeſaid yearly value of hight pounds, he had cauſed to be delivered to the ſaid Plaintiffe, to hold to him and his Aſſignes, by the price and extent aforeſaid, according to the forme of the ſtatute aforeſaid, untill the debt and damages aforeſaid be thereof fully levied, as by that Writ, it was to him commanded.

Sheriffes returne.

Trin.

The Defendant relinquisheth his plea as to part, & pleads nil debet *for the residue.*

T*Rin.* 3 *Car. ro.* 22928 daies of St. *M.* At which day here came as well the said *E.* and *R.* as the said *W.* by their Attorneys aforesaid. And because the Iustices here, *&c.* (and so continue untill *Trin.* 10 *Car.*) at which day here came as well the said Plaintiffs, *&c.* by their Attorneys aforesaid. And hereupon the said Defendant, as to 10 *l.* of the said 30 *l.* above required out of the assent of the said Plaintiffs, relinquishing his averment by him above thereupon pretended saith that he cannot deny the action aforesaid of the said Plaintiffs thereupon, not but that he oweth to the said Plaintiffe the said 10 *l.* in forme in which the the said Plaintiff have above against him declared; Therefore it is considered that the said plaintiffs shall recover of him the said Defendant, the said 10 *l.* And the said Defendant thereof in mercy, *&c.* And as to 20 *l.* residue of the said 30 *l.* the said Defendant saith that he doth not owe to the said plaintiffs the said 20 *l.* nor any penny thereof in forme in which they the said Plaintiffs have above declared against him: And of this he puteth himselfe upon the Country: And the

Taxing of damages respited untill the issue be tryed.

said *Plaintiff* likewise. And because it is needfull and convenient that one taxation of damages may be made for one and the whole Debt aforesaid, if it should happen the issue aforesaid above joyned to be found for the said *Plaintiff* and judgment thereupon for the said *Plaintiff* to be rendered. Therefore let the taxing of damages by occasion of detaining of the said 10 *l.* above acknowledged, stay, untill the Issue aforesaid between the parties aforesaid above joyned be determined, and Iudgment be thereupon rendered, *&c.* And as to the trying of the Issue aforesaid it is commanded to the Sheriff that he cause to come here, *&c.* twelve *&c.* by whom *&c.* And who neither, *&c.* to recognize, *&c.* Because as well, *&c:* At which day here came the said *Plaintif.* and as, *&c.* as before in *Nolle prosequi*, and prayeth Iudgment for that party acknowledged.

T*Rin.* 4. *Car. rot.* 636. Afterwards, *&c.* Therefore no respect being had to the verdict for the said *J. W.* in forme aforesaid rendered, it is considered that the said *E.* shall recover against the said *J. W.* and *M.* the said 18 *l.* of the Debt aforesaid

ſaid of the Goods and Chattells, *&c.* (as in others againſt two) And the ſaid *J. W.* and *M.* thereof in mercy, *&c.*

H. 44. *Eliz. rot.* 711. 15. of *P.* At which day here cometh as well the ſaid Plaintif as the ſaid Defendant by their Attorneys aforeſaid. And hereupon the ſaid Defendant relinquiſhing his averment aforeſaid above by him pretended, as to the ſaid 80 *l.* of the ſaid 100 *l.* by vertue of the Writing aforeſaid, above required, he ſaith that he cannot deny the action aforeſaid of the ſaid Plaintiffe thereupon, nor, but that he, at the time of the making of the ſaid Writing was of his own right at large: And that writing of his meer and free will to the ſaid plaintiff, did make and not for feare of threatnings as the ſaid Plaintiffe hath above alleaged; Whereupon the ſaid Plaintiffe freely here in Court, doth acknowledge that he will not further proſecute againſt the ſaid Defendant for the ſaid 20 *l.* of the ſaid 100 *l.* of loane above required, And prayeth Judgment of the ſaid Debt of 80 *l.* together with his damages by occaſion of detaining of that Debt to him to be adjudged, *&c.*

The Defendant relinquiſheth his plea ad minas and confeſſeth the action as to part, and the Plaintiffe will not further proſecute for the reſidue.

Therefore it is considered that the said Plaintiff shall recover against the said Defendant the aforesaid debt of 80 *l.* And his damages by occasion of detaining of that Debt to 4 *l.* to the said Plaintiffe out of his own assent by the Court here adjudged, and the said Defendant in mercy, And the said Defendant of the said 20 *l.* of the residue of the said Debt may goe thereof without day, *&c.*

Judgment against the Defendants own goods where Ne unques Executor *is pleaded.*

T*Rin.* 20. *Jac. ro.* 2007. Which said damages in the whole do amount to 10 *l.* of the Goods and Chattells, which were of the said Testators at the time of his death, in the hands of the said Defendant to be administred, being to be levyed, if so much thereof he have in his hands to be administred. And if he have not, then the Debt and damages aforesaid of the proper Goods and Chattells of the said Defendant to be levyed, And the said Defendant in mercy, *&c.*

Judgment for part, and the Defendant wageth Law for the residue.

H. 20. *Ja. ro.* 791. At which day here came as well the said Plaintiff by his Attorney aforesaid, as the said Defendant in his proper person. And hereupon the said Defendant as to the aforesaid 10 *l.* doth

doth perfect his Law (.) waged: Therefore it is conſidered that the ſaid Plaintif ſhall recover againſt the ſaid Defendants his damages by occaſion of the detaining of the ſaid 10 *s.* before recovered to 3 *l.* 10 *s.* to the ſame Plaintiff out of his own aſſent by the Court here adjudged, *&c.* And alſo that the ſaid Plaintiffe as to the ſaid 10 *l.* whereupon the ſaid Defendant hath above perfected his Law aforeſaid, may take nothing by his Writ aforeſaid thereupon, but may be in mercy for his falſe plaint thereupon; And the ſaid Defendant may go thereof without a day, *&c.*

Plea continued upon a demur.

P*aſc.* 20. *Jac. ro.* 703. the morrow of the *Holy Trinity*. At which day here came as well the ſaid Plaintif as the ſaid Defendant by their Attornyes aforeſaid, and becauſe the Juſtices here will further adviſe themſelves, of, and upon the premiſſes, whereupon the parties aforeſaid have put themſelves into the Judgment of the Court, before they render their Judgment thereupon, day thereupon to them is further given here, untill from the day of the *Holy Trinity* in three weeks of hearing their Judgment thereupon, for

that that the ſaid Juſtices here, thereupon not yet, *&c.*

The iſſue continued becauſe the Sheriff did not ſend the writ.

And as to the iſſue aforeſaid above betweene the ſame parties joyned, to be tryed by the Country, the Sheriffe at the ſaid morrow of the *Holy Trinity*, doth not ſend the Writ. Therefore as before it is commanded to the Sheriffe that he cauſe to come here from the ſaid day of the *Holy Trinity*, in three weeks twelve, *&c.* To recognize in form aforeſaid, *&c.* At which day here came as well the ſaid Plaintiffe as the ſaid Defendant by their Attorneys aforeſaid.

Juſtices will further adviſe

And becauſe the Juſtices here will further adviſe themſelves of & upon the premiſes aforeſaid, whereupon the parties aforeſaid have above put themſelves into the Judgment of the Court, before they render their Judgment thereupon, day to them is further given here untill, from the day of St. *Michael* in three weeks of hearing their Judgment thereupon, for that the ſame Juſtices here not yet, *&c.* And at the ſaid day, from the day of the *Holy Trinity* in three weeks, the Jurors between the ſame parties of the plea aforeſaid, as to the trying of the

The iſſue further reſpited.

Iſſue

Iſſue aforeſaid between the ſame parties above joyned to be tryed by the Country, it was put from thence between them untill at this day, (that is to ſay) from the day of St. *Michaell* in three weeks then next following. Unleſſe *&c.* And now at this day cometh as well the ſaid Plaintiffe as the ſaid Defendant by their Attorneys aforeſaid; And the aforeſaid Juſtices *&c.* Afterwards, *&c.* And hereupon the ſaid Plaintiff freely here in Court doth acknowledge himſelf not further to proſecute againſt the ſaid Defendant for the ſaid 12 *l.* of the ſaid 42 *l.* for which as well the ſaid Plaintiff as the ſaid Defendant have above put themſelves into the judgment of the Court, and prayes Judgment of the ſaid 30 *l.* reſidue of the ſaid 42 *l.* together with his damages by occaſion of detaining of the ſaid 30 *l.* to him to be adjudged *&c*

The Plaintiffe will not further proſecute as to part and prayeth Judgment for the reſidue upon the verdict

Therefore it is conſidered, that the ſaid Plaintiffe ſhall recover againſt the ſaid Defendant, the ſaid Debt of the ſaid 30 *l.* and his damages aforeſaid to ○——○ by the Juſtices, *&c.* the Defendant in mercy, *&c.*

And

And the ſaid Defendant of the ſaid 12 *l.* reſidue of the ſaid 42 *l.* may goe thereof without day, *&c.*

Judgment for the Defendant upon a demurrer to a Scire facias.

PAſc. 20. *Jac. ro:* 132. At which day, *&c.* And hereupon the premiſes being ſeen, and by the Juſtices here fully underſtood it ſeemeth to the ſame Juſtices here, that the ſaid plea of the ſaid Defendants in Abatement of the ſaid Writ of *Scire facias*, in manner and forme aforeſaid pleaded, and the matters in the ſame contained are ſufficient in Law to abate the ſaid Writ of *Scire facias* againſt the ſaid Defendants in forme aforeſaid, obtained. And to retard him the ſaid Plaintife from having his execution aforeſaid againſt the ſaid Defendants, as the ſaid Defendants have above alleaged: Therefore it is conſidered, that the ſaid Writ of *Scire facias* againſt the ſaid Defendants, in forme aforeſaid obtained, ſhall be abated, *&c.*

Judgment for the Plaintiffe after a verdict with coſts increaſed.

AFterwards, &c. *Threrefore it is conſidered that the ſaid Plaintiff ſhall recover againſt the ſaid Defendant his Debt aforeſaid, and his damages to* 40 s. *and* 4 d. *by the Jurors aforeſaid, in forme aforeſaid aſſeſſed. And alſo* 7 l. *to the ſaid Plaintiffe at his*

his requeſt for his coſts and charges aforeſaid by the Court hereof and for increaſe adjudged which ſaid damages in the whole, do amount to 9 l. *and* 4 d. *And the ſaid Defendant in Mercy, &c.* *Mercy.*

Where non eſt factum *is pleaded, it is as above untill (theſe words* 9 l. *and* 4 d.) *And then write) And the ſaid Defendants for that that he hath denyed his own deed may be taken,* &c.

Iudgment for the plaintiffe for part upon nil debet, *and pleaded for the defendant for the reſidue.*

Therefore it is conſidered that the ſaid Plaintif ſhall recover againſt the ſaid Defendant, the ſaid Debt of 10 *l.* which by the Jurors aforeſaid, the ſaid Defendant is found to owe to the ſaid Plaintife and his damages aforeſaid to 40 *s.* and 2*d.* by the Jurors, *&c.* And alſo 5 *l.* and 10 *s.* to the ſaid Plaintife at his requeſt, *&c.* which ſaid damages in the whole do amount to 7 *l.* 10 *s.* and 2 *d.* And the ſaid Defendant in Mercy, *&c.* And likewiſe the ſaid Plaintife in Mercy for his falſe Plaint againſt the ſaid Defendant for the reſidue of the Debt aforeſaid, whereof the ſaid Defendant by the Jurors aforeſaid is above acquited: And the ſaid Defendant may go thereof without day, *&c.*

At

Unica executio. *entred against two sureties where they were sued severally.*

AT which day the Jurors *&c.* And the *Defendant* in mercy, &c. And because the said *Plaintiff* in the Kings Court here hath recovered his Debt and Damages aforesaid; against one *T.H.* late of *&c.* who together with the said *Defendant*, by the Writing aforesaid, is held and bound to the said *Plaintiff* in the Debt aforesaid, as it appeareth in this same Roll, Therefore let the *Plaintiff* have one Execution only against the said *Defendant*, and *Tho.* or either of them of the Debt and Damages aforesaid, &c there must be no *Unica Executio* entred against the principall.

Judgment against an Executor of the Testators Goods.

AT which Day the Jurors, &c. Unlesse, &c. And now her e *&c.* And the said Justices, &c. Afterwards, *&c.* Therefore it is considered, that the said *Plaintiff* may have his Execution against the said *Defendant* of the Debt and Damages aforesaid, of the Goods and Chattels which were of the said *A.* at the time of his Death in the hands of the said *Defendant*, to be administred, being to be levied, *&c.*

Trin.

Trin. 9. Car. rot. 800. At which Day here came the ſaid *N.* by his Attorney aforeſaid, and the Sheriff (to wit) *J. H.* Bar. now returned, that he for the Execution of the Writ aforeſaid, to him directed, commanded the Bailiff of the liberty of his Dukedome of *Lancaſter*, in the County aforeſaid, who hath the full Execution of all Writs and Warrants within that Liberty, and the returns of the ſame, within which the Execution of this Writ doth wholy remain to be made, for that, that noe Execution thereof, elſewhere without the Liberty aforeſaid, within his Bailiwick can be made, which ſaid Bailiff (that is to ſay) *T.H.* Eſquire to the ſame Sheriff, returned a certain Inquiſition before him at *N.* in the County aforeſaid, the one and thirtieth day of *October* laſt paſt, by virtue of a Warrant of the ſaid Sheriff, upon a Writ aforeſaid to the ſame Bailiff, directed by the oath of twelve, *&c.* taken, by which it is found, that the ſaid *Richard Bateman*, the aforeſaid twenty third day of *January* in the aforeſaid nineteenth year, of the Raign of *James* late King, *&c.* and afterwards was ſeized in his demeſn as of fee, of & in one Hall *&* *c.* which

Sheriffe returneth a Mandavi ballivo, who delivered Lands upon an Elegit, after an inquiſition by him taken, by virtue of the writ and Sheriffs warrant.

which ſaid moiety laſt above mentioned the aforeſaid Bailife by vertue of the Writ afore ſaid, and by vertue of the Warrant of the ſaid Sheriff to him directed afterwards (that is to ſay) the firſt day of *November* in the ninth year of the Raign of the now Lord the King to the ſaid *N.* did deliver to hold as his Freehold to him and his Aſſignes, according to the forme of the Statute aforeſaid, untill the Debt and Damages aforeſaid there of be fully levied according to the exigence of the ſame Writ. And moreover by the ſame inquiſition, it was likewiſe found, that the ſaid *Richard* the ſaid 23th day, in the ſaid nineteenth year of King *James*, or at any time afterward had or hath no Goods or Chattells, or any other or more Lands or Tenements in his Bailywick, to the knowledge of the Jurors in the Inquiſition aforeſaid, which in any manner could be extended or apprized as he hath returned, *&c.*

Judgment for the Plaiutiff upon a demurrer to his declaration.

AND hereupon the premiſes being ſeen & by the Court here fully underſtood, it ſeemeth to the ſame Juſtices here, that the Declaration aforeſaid of the ſaid *I.* in forme aforeſaid made and declared and the

the matter in the ſame contained are ſufficient in Law to maintaine him the ſaid *I.* to have his action aforeſaid againſt the ſaid *E*: as the ſaid *C.* hath above alleadged. Therefore it is conſidered that the ſaid *I.* may recover againſt the ſaid *E.* his debt aforeſaid, and his damages by occaſion of the detaining of that debt to 5 *l.* 10 *s.* to the ſaid *I:* out of his aſſent by the Court here adjudged: And the ſaid *E.* in mercy, *&c: Trin.* 11. *Car. ro.* 323. *Unica* Executrix awarded.

Judgment for the Plaintiffe where the Defendant maketh default to wage Law

AT which day here cometh the ſaid *G* by his Attorney aforeſaid: And put himſelfe the fourth day againſt the ſaid *W.* of a plea that he ſhould be here at this day to perfect his Law aforeſaid as above he hath waged it. And he ſolemnly called, cometh not, but maketh default: Therefore it is conſidered.

Judgment for the Defendant where he was ready to wage Law, and the Plaintiff became Non-ſuit.

H. 10. *Car. rot.* 126: At which day here cometh the ſaid Defendant in his proper perſon, ready to perfect his Law aforeſaid, as above he hath waged it; and the ſaid Plaintiffe although ſolemnly called, cometh not, neither is his Writ aforeſaid further proſecuted: Therefore it

it is conſidered that the ſaid *Plaintiff* and his pledges of preſenting may be from thence in mercy, inquire the names of the Pledges, *&c.* And that the ſaid Defendant may go from thence without day *&c.* It is alſo conſidered, that the ſaid *Defendant* may recover againſt the ſaid *Plaintiff* his Damages by occaſion of the premiſſes to thirty three ſhillings and four pence by the diſcretion of the Juſtices here to the ſaid *Defendant*, at his requeſt for his coſts and charges by him in that behalf ſuſtained, according to the Forme of the Statute therein made, and provided by the Court here adjudged, *&c.*

The Defendant maketh his Eſſoyn and further day is given him.

MIch 10. Car. rot. 439. *At which day here commeth the ſaid Plaintiff by his Attorney aforeſaid, and the ſaid Defendant made his Eſſoyn of not coming againſt the ſaid Plaintiff of the plea aforeſaid, and thereupon hath a day by his Eſſoyne here untill at this day (that is to ſay) in the morrow of All Soules then next following. And now here at this day commeth the ſaid Defendant in his own perſon, ready,* &c. *as in the next above, untill theſe words (by the Court here adjudged,* &c.

At

At which day here commeth aſwel the ſayd *Plaintiff*, by his Attorney aforeſaid, as the ſaid *Defendant* in his proper perſon, and hereupon the ſaid *Defendant* doth his Law aforeſaid, with twelve Compurgators as he hath above waged it: Therefore it is conſidered, that the ſaid *Plaintiff* take nothing by his Writ aforeſaid, but may be from thence in mercy for his falſe plaint, and the ſaid *Defendant* may go from thence without day, *&c.*

The Defendant perficit legem de duodecima manu, and the plaintiffe nil capiat per breve.

AT which day here cometh as well the ſaid *Plaintiff* by his Attorney aforeſaid, as the ſaid *Defendant* in his proper perſon, and hereupon out of the aſſent of both the ſaid parties, a day is further given to the ſaid *Defendant* here, untill in eight dayes of Saint *Hillary*, to perfect his Law aforeſaid, at which day *&c.* he made Default.

Further day given to wage Law by conſent, and the defendant made default.

TRin. 7. Car. rot. 1808. in the moneth of Saint *M. Teſt.* 16. *June* 6. *Car.* At which day here cometh the ſaid *Plaintiff* by his Attorney aforeſaid, And the Sheriff (to wit) *R. B.* Eſquire, now returned here a certain Inquiſition before him

The return of an Elegit awarded.

at *C.* in the County aforeſaid, the third day of *September* laſt paſt by the Oath of twelve, *&c.* by virtue of the Writ aforeſaid taken, by which it is found that the ſaid *Defendant* in eight dayes of Saint *Michael*, in the third year of the raign of the now Lord the King, which day the Judgment aforeſaid was rendred, and afterwards (that is to ſay) the day of the taking of the Inquiſition aforeſaid, was ſeized in his Demeſne as of Free-hold for tearm of his life, of and in *&c.* of the clear yearly value in all the iſſues, beſides the Reprizes to twenty pounds. And moreover, by the Inquiſition aforeſaid, it is likewiſe found, that the ſaid *Defendant* hath no Goods or Chattells, neither on the aforeſaid eight dayes of Saint *Michael*, in the third year aboveſaid, which day the Judgement aforeſaid was given, nor any time afterwards untill the day of the taking of the Inquiſition aforeſaid, hath or had, any other, or more Meſſuages, Lands, Tenements, or Hereditaments in the County aforeſaid, within any Manor, could be extended or appriſed to the knowledge of the Jurors of that Inquiſition: The Moyety of which ſaid Premiſſes with the Appurtenances (that is to ſay)

one

one Meſſuage called *N. &c.* then in the poſſeſſion of the ſaid *Defendant*, the ſayd Sheriffe the ſaid day of the taking of the Inquiſition aforeſaid, to the ſaid *Plaintiff* by the reaſonable price and extent aforeſaid, hath cauſed to be delivered, to hold as his Free-hold, to him and his Aſſignes according to the Forme of the Statute aforeſaid, untill the Debt and Damages aforeſaid, thereof be levied, as by the Writ to him it was commanded, *&c.*

Judgment where the Defendant relinquiſheth ſome plea by the plaintiffs conſent, and after pleads nil debet *and after relinquiſheth that alſo*

At which day here came as well the ſaid Plaintiff as the ſaid Defendant by their Attorneys aforeſaid, and hereupon the ſaid Defendant out of the ſaid Plaintiff, relinquiſhing his Averment aforeſaid, by him above pretended, ſaith, that he doth not owe to the ſaid Plaintiff the ſaid hundred pounds nor any penny thereof, in the Forme in which the ſaid Plaintiff hath above againſt him declared, and of this he putteth himſelf upon the Country, and the ſaid Plaintiff likewiſe: Therefore it is commanded to the Sheriffe that hee cauſe to come here in fifteen dayes of Saint Martin, *twelve* &c. *by whom,* &c. *and who neither,* &c. *to recognize,* &c. *becauſe as well,* &c. *At which day here cometh as well the ſaid Plain-*

tiff as the ſaid Defendant by their Attornies aforeſaid, and hereupon the ſaid Defendant relinquiſhing his averment aforeſaid, by him above pretended, ſaith, that he cannot deny the Action aforeſaid of the ſaid Plaintiff nor but that he may owe to the ſaid Plaintiff the ſaid one hundred pounds, in the forme in which the ſaid Plaintiffe hath above againſt him declared, therefore it is conſidered, &c. (as in others.)

TRin. 20. *Jac. rot.* 727.. Afterwards, &c. Therefore it is conſidered, that the *Plaintiffe* may have Execution againſt the ſaid *I. I.* of the Debt and Damages aforeſaid, of the ſaid Meſſuage called the *Star*, with the Appurtenances in *M.* aforeſaid, to be levied, and that the ſaid *Plaintif* from his Execution, as well againſt the ſaid *I. T.* of the Moyety and Reverſion aforeſaid with the Appurtenances, as againſt the ſaid *T. T.* of the meſſuage aforeſaid with the Appurtenances in *T.* aforeſaid, to be had, may be barred, &c.

Judgment againſt one that relinquiſheth his plea, and

AT which day here cometh as well the ſaid *R.* as the ſaid *I.* by their Attorney aforeſaid, and hereupon the ſayd *I.* relinquiſhing

I. relinquiſhing his Averment aforeſaid, (as above upon a *Per minas*) and not for fear of threates as the *Plaintiff* hath above alleadged, whereupon the ſayd *R.* freely here in Court acknowledgeth himſelfe further not to proſecute againſt the ſaid *A.* of, and upon his Plea aforeſaid, whereupon the Iſſue aforeſaid ietween the ſame *R.* and the ſame *A.* s above joyned to be tryed by the Country, but further thereupon to proſecute againſt the ſaid *A.* doth wholy diſavow and refuſe, and prayeth Judgment and his debt aforeſaid, together with his Damages by occaſion of detaining of that debt againſt the ſaid *I.* to him to be adjudged, &c. Therefore it is conſidered, that &c. and the ſaid *I.* in mercy, and the ſaid *A.* of the debt aforeſaid, may go from thence without day, &c.

the plaintif will not further proſecute the other.

JUdgment upon *Riens per Diſſent* pleaded *Trin.* 2. *Car. rot.* 1682. and the ſaid *Defendant* in mercy, and the ſaid *Defendant* for that he hath denyed his owne Deed, may be taken, &c.

A reverſion extended by an elegit where it falls.

TRin. 5. Car. ro. 1595. by which it is found that the ſaid T. on the morrow of the holy Trinity aforeſaid, was ſeized and yet is ſeized of the Reverſion after the death of *I.D.* Father of the ſaid *I.T.* as of Fee and of Right, of and in &c. as in the Remembrances, the ſaid Sheriff afterwards (that is to ſay) the thirtieth day of *October*, in the 5. year aboveſaid, to the ſaid *Plaintiff* he had cauſed to be delivered, by the Extent aforeſaid, to hold to him and his Aſſignes, when it ſhould happen as his Free-hold, according to the Forme of the Statute aforeſaid, untill the Debt and Damages aforeſaid thereupon be fully levied, as by that Writ it was to him commanded, &c. Note that a Reverſion is extendible, when it falls.

Judgment againſt the Teſtators goods if, &c. if not the damages againſt the Executors goods.

MIch. 5. Car. ro. 1359. It is conſidered &c. ſhall recover againſt the ſaid *W. T.* and *I.* his Debt aforeſaid, and his Damages aforeſaid to ——— Which ſaid Damages in the whole do amount to ten pounds of the goods and Chattells which were, &c. and if they have not, then the Damages aforeſaid of &c. and the aforeſaid

ſaid *W. T.* and *I.* in mercy. And likewiſe the ſaid Plaintiff in mercy for his falſe plaint againſt *T M.* for that that he of the Debt aforeſaid by the Jurors aforeſaid is above acquitted. And the ſaid *T.* may go from thence without a day, *&c.*

H. 8 *Car. rot.* 399. Afterwards, *&c.* Therefore it is conſidered that the ſaid Plaintiffe ſhall recover againſt the ſaid *S.* and *M.* the aforeſaid 20 *l.* of the Debt aforeſaid, of the Goods and Chattells, *&c.* And if they have not, then the damages aforeſaid of the proper goods and chattells of the ſaid *M* to be levied. And the ſaid *M.* in mercy, *&c.*

Judgment for the damages againſt one Executors goods and not the other.

H. 5 *Car:* 1248: At which day here cometh as well the ſaid Plaintiffe as the ſaid Defendant by their Attorneys aforeſaid: And hereupon the record of the originall Writ of the ſaid morrow of the *Holy Trinity* of the terme of the *Holy Trinity* in the ſaid ſecond year of the ſaid now Lord the King, being ſeen and looked upon, it ſeemeth to the ſame Juſtices here, that there is had ſuch a record of the ſaid originall Writ of him the ſaid Plaintiffe in the cuſtody of *Henry Compton* Kt:

Judgment for the Plaintiff after dum init cum alleaged by the Defendant of the originall Writ.

of the Bath, Keeper of the Writs of this Court remaining as the ſaid Plaintif hath above alleaged: Therefore it is conſidered that the ſaid Plaintiff may recover againſt the ſaid *I H* and *E* his debt aforeſaid and his damages by occaſion of detaining of that Debt to an 100 *s.* to the ſame Plaintiff out of his aſſent by the Court here adjudged of the Goods and Chattells, &c: And if he have not, then the damages aforeſaid of the proper Goods and Chattells of the ſaid *E* to be levied; and the ſaid *E.* in Mercy, &c.

AFterwards &c. Therefore it is conſidered that the Plaintiff and his pledges of proſecuting as to the ſaid 50 *s.* be from thence in mercy enquire the names of the pledges, &c: And that the ſaid Defendant may go from thence without day &c: And alſo that the ſaid Plaintiff may recover againſt the Defendant his damages, by occaſion of detaining of the ſaid 30 *s.* before recovered to an 100 *s.* to the ſaid Plaintiffe out of his aſſent by the Court here adjudged, &c:

Mich:

M. 14 *Car: rot.* 1204 *North and Musgrove Not: ff. tr. trin.* At which day the Jurors, &c. Therefore it is considered that the said *I.* may recover against the said *G.* the said 100 *s.* by the said *G:* in forme aforesaid forfeited according to the forme of the Statute, &c. over and above such summes of mony by the said *G.* taken besides the summe of 4 *d:* and his damages aforesaid to 53 *s:* and 6 *d:* by the Jurors, &c. and also 7 *l.* 6 *s.* and 6 *d.* to the said *I.* at his request, &c damages in the whole 10 *l.* and the said *G.* in mercy, &c. Note that the Defendant hath no increase but by speciall motion made to the Justices.

H. 17: *Car: ro.* 1506: 15 *Pasc:* At which day here cometh as well the said Plaintiff as the said Defendant by their Attorneys aforesaid: And as to the aforesaid 16 *l.* 9 *s:* and 1 *d.* of the said 300 *l:* which the said Plaintiff out of the bargaine aforesaid hath above required against the said Defendant, whereupon the said Defendant hath above waged his Law aforesaid, the said Plaintiffe putteth himselfe the fourth day against the said Defendant

Judgment for the plaintif where the Defendant Offrs to wage Law and after maketh default.

Defendant of the plea aforeſaid, that he ſhould be here at this day to do his Law aforeſaid, as above he hath waged it. And he ſolemnly required, came not, but made default. Therefore it is conſidered that the ſaid Plaintiff may recover againſt the ſaid Defendant, the ſaid 16*l.* 9*s.* and 1*d.* out of the bargaine aforeſaid above required, untill the iſſue aforeſaid, between the ſaid parties above joyned be determined, *&c.* And as to the trying of that iſſue, it is commanded to the Sheriff that he cauſe to come here from the day of *Eaſter* in five weeks twelve *&c.* Verdict for the firſt Iſſue for the Plaintiff, for the laſt Iſſue for the Defendant, and Judgment generally where part is found for the Plaintiff, and the reſidue for the Defendant, and damages aſſeſſed generally.

The Plaintif remits part and prayeth Judgment for his reſidue.

BUt *maketh default. And hereupon the ſaid Plaintiff freely here in Court doth remit the ſaid Defendant of the ſaid* 35 s. *of the Loane aforeſaid above required, and prayeth Judgment of the ſaid* 5 s. *reſidue of the Debt aforeſaid, and his damages by occaſion of the detaining of the ſaid* 5 s. *to him to be adjudged, &c. Therefore it is conſidered that*

that the ſaid Plaintiffe may recover againſt the ſaid Defendant the ſaid 5 s. *and his damages by occaſion of the detaining of the ſaid* 5 s. *to* ——— *to the ſaid Plaintiffe out of his aſſent by the Court here adjudged: And the ſaid Defendant from thence in mercy, &c. And the ſaid Defendant of the reſidue of the ſaid* 35 s. *of the Debt aforeſaid may be quiet, and may go from thence without a day, &c.*

Further day to the Defendant to wage Law at his Attorneys requeſt, who doth the ſame, and Judgment for the Defendant

TRin. 10 Car. rot. 245 8 Oct. M. At which day here cometh as well the ſaid Plaintiff as the ſaid Defendant by their Attorneys aforeſaid. And hereupon the requeſt of the ſaid Attorny of the ſaid Defendant, and out of the aſſent of at the ſaid Plaintiff, a day is further given to the ſaid Defendant here, untill from the day of Saint *Martin* in 15 days to do his Law thereof aforeſaid, as he hath above waged it: And it is ſaid to the ſaid Attorny of the ſaid Defendant, that then he may have here the ſaid Defendant his Maſter in his own perſon to do his Law aforeſaid, &c. The ſame day is given to the ſaid Plaintiff here, &c. At which day here cometh as well the ſaid Plaintiff by his Attorney aforeſaid, as the ſaid Defendant

fendant in his own perſon. And hereupon the ſaid Defendant doth his Law aforeſaid with twelve Compurgators as he hath above waged the ſame. Therefore it is conſidered that the ſaid Plaintif may take nothing by his Writ aforeſaid but may be in mercy for his falſe plaint; And the ſaid Defendant may go from thence without day, *&c.*

Demurrer.

Judgment for the Plaintif againſt two defendants for ſeverall ſummes.

Kin. 3. *Jac. rot.* 1301 *Oct. M.* At which day here cometh as well the ſaid Plaintiff as the ſaid Defendants by their Attorneys aforeſaid. And hereupon the premiſes being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the ſame Juſtices here, that the aforeſaid plea of the ſaid Defendants above in retarding of the Execution aforeſaid pleaded, and the matter in the ſaid plea contained, are not ſufficient in Law to barre the ſaid Plaintiffe from having his Execution againſt the ſaid *B.* of 200 *l.* and the ſaid *G.* and *N.* of the ſaid 100 *l.* by them ſeverally in forme aforeſaid acknowledged as the ſaid *N.* hath above alleaged: Therefore

Therefore it is conſidered that the ſaid *N.* may have his Execution againſt the ſaid *B.* of the ſaid two hundred pounds, by him in Forme aforeſaid acknowledged, and againſt the ſaid *G.* and *N.* of the ſaid one hundred pounds, and both of them ſeverally in Forme aforeſaid acknowledged, &c.

Detinue.

Iſſues returned upon a diſtringas. A writ of enquiry, and of the value awarded.

TRin. 11. Car. ro. 132. And the Sheriff to wit *I.P.* Eſquire, now returned that the ſaid *Defendant* is diſtrained by Cattell, to the value of ſix ſhillings eight pence, and is bailed by *John D.* and *Richard Rooe*, and he in mercy, *&c.* the ſame Sheriff alſo returned a certain Inquiſition, *&c.* (as above in the laſt but one)

AND now here at this day cometh the ſaid *Plaintiff* by his Attorney aforeſaid, and the ſaid Juſtices, *&c.* Afterwards, *&c.* and becauſe the Juſtices here themſelves, of and upon the Premiſſes without the knowledge of the true value of the aforeſaid one and twenty Cooms of barley, cannot rightly conſider and adjudge

adjudge, therefore Judgment is reſpited, untill, &c And it is commanded to the Sheriff, that by the oath of honeſt and lawfull men of the County aforeſaid, he diligently enquire what the aforeſaid one and twenty Coomes of Barley are worth, according to the true value of the ſame, and the Inquiſition which, &c. The Sheriff make manifeſt, ſuch a day &c. the ſame day is given, &c. The like Judgment 41 *Eliz. ro.* 1916: or 1416: and of *Hillary* Tearme, 5. *Carol: Rot.* 1637.

Judgment for the Plaintiff after a demurrer, a diſtringas awarded with a Writ of enquiry what damages, &c.

TRin. 13. *Car. rot.* 625. At which day here cometh as well the ſaid *M.* as the ſaid *T.* by their Attorneys aforeſaid, and hereupon the Premiſſes being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the ſame Juſtices here, that the ſaid Plea of the ſaid *T.* above in barr pleaded, is not ſufficient in Law to preclude him the ſaid *Plaintiff* from his Action aforeſaid, againſt the ſaid *T.* to be had, as the ſaid *M.* hath above alleadged. Therefore it is conſidered that the ſaid *M.* may recover againſt the ſaid *T.* the ſaid two Writings obligatory aforeſaid, or the value of the ſame, and the ſaid *T.* in mercy,

mercy, &c. and it is commanded to the Sheriff, that he diſtrain the ſaid *T.* by all his Lands, &c. and that of the Iſſues &c. ſo that he render to the ſaid *M.* the ſaid two writings obligatory aforeſaid, or the value of the ſame, and that by the oath of honeſt and lawfull men of the County aforeſaid, he diligently enquire what Damages the ſaid *M.* hath ſuſtained, as well by occaſion of detaining of the ſaid two Writings obligatory, as for his coſts and charges by him about his ſuit in this behalf laid out, and if the ſaid *T.* the ſaid two Writings obligatory to the ſaid *M.* ſhall not deliver, then ſo much as the ſaid two writings obligatory are worth, according to the true value of the ſame, and as, *&c.* the Sheriff make manifeſt here in eight dayes, of St. *Hillary*, under the ſeal, &c. and ſeals, &c. the ſame day is given to the ſaid *M.* here, &c.

Dower.

H. 8. *Car. ro.* 688. 15. *Paſc.* At which day here came the partyes, &c. and the Sheriff did not ſend the Writ, therefore as before, it was commanded

Verdict in dower, and a writ of enquiry and ſeiſin awarded.

manded to the Sheriffe that he cauſe to come here in the morrow of the holy Trinity, twelve, &c. to recognize in Forme aforeſaid, &c. At which day the Jurors &c. unleſs, &c. And now here at this day commeth the ſayd *M.* by her Attorney aforeſaid, and the ſaid Juſtices, &c. after wards &c. Therefore it is conſidered. that the ſaid *Mary* may recover her Seiſin againſt the ſaid *I. C.* of the third part aforeſaid with the Appurtenances, and the ſaid *I* and *R.* in mercy, &c. and hereupon the ſaid *M.* ſaith, that the ſaid *T.H.* her late husband &c. dyed ſeized of the tenements aforeſaid with the appurtenances, whereof, &c. in his Demeſne as of Fee, and prayeth the Writ of the Lord the King, as well to enquire of the damages, as to cauſe her to have full Seiſin of the third part aforeſaid with the Appurtenances, to the Sheriff of the County aforeſaid to be directed, and to her it is granted returnable here on the morrow of the purification, &c.

The return of a writ of ſeiſin.

M. 7. *Car. ro.* 335. *Oct. m. Teſte* 21 *of June*, 9. *Car.* At which day here cometh the ſaid *S*, and *R.* by their Attorneys aforeſaid, and the Sheriff that is

to

to ſay *A. A.* Kt. now returned that he by vertue of the Writ aforeſaid to him directed 28 day of *September* laſt paſt, had cauſed the ſaid *S.* and *R* to have full ſeizin of the third part of all and ſigular the Mannors, Meſſuages, Lands and Tenements aforeſaid with the appurtenances (that is to ſay) of and in one Capitall Meſſuage or manſion houſe in *B.* aforeſaid in the ſaid County of *T. &c.* to hold to to them the ſaid *S.* and *R.* in ſeveralty by metes and bounds in the name of the whole Dower of her the ſaid *R.* belonging to her the ſaid *R.* out of the tenements aforeſaid. after the death of the ſaid *M.* once her Husband, as by the Writ aforeſaid to him it was commanded.

P. 9. *Car. rot.* 514 *Teſte* 10 *die Junii* 9 *Car.* At which day here cometh the aforeſaid *M.* by her Attorny aforeſaid. And the Sheriff (that is to ſay) *T. S.* Knight, now returned, that he by vertue of the Writ aforeſaid to him directed the ninth day of *A.* laſt paſt had cauſed the ſaid *M.* to have full ſeizin of the third part of the Tenements aforeſaid with the appurtenances (that is to ſay of two cloſes, &c. on the Eaſt to hold to her the ſaid *M.* in

The return of the writ of ſeiſin & the value and damages and Judgment thereupon.

ſeverally by metes and bounds in the name of all the Dower of her the ſaid *M.* belonging to her the ſaid *M.* after the death of the ſaid *I.* her late husband of the Tenements aforeſaid with the appurtenances as by the Writ aforeſaid to him it was commanded, and the ſaid Sheriffe here alſo returned a certaine Inquiſition before him at *F:* in the County aforeſaid, the ninth day of *Apr.* laſt paſt by the oath of twelve, &c. by vertue of the Writ aforeſaid taken by which it is found, that the ſaid *I.* dyed, ſeized of the Tenements aforeſaid with the appurtenances in his Demeſne as of Fee And that thoſe Tenements are worth by the year in all Iſſues, beſides the reprizes 7 *l.* and 10 *s.* And that the ſaid *Tho.* her late Husband, &c. dyed the eleventh day of *Novemb.* in the eighth yeare of the Raign of the now Lord the King. And that the ſaid *M.* ſuſtained damages by occaſion of the detaining of her Dower aforeſaid, beſides her coſts and charges, &c. to 3 s. 4 d. And for thoſe coſts and charges to 40 *s.* Therefore it is conſidered, that the ſaid *M.* may recover againſt the ſaid *R.* as well the value of the third part of the Tenements aforeſaid with the appurtenances, which ſaid value

value from the time of the death of the ſaid *Tho.* doth amount to 35 *s.* as his damages aforeſaid to 43 *s.* and 4 *d.* by the Inquiſition aforeſaid, in forme aforeſaid found, which ſaid value and damages in the whole do amount to 7 *l.* and 5 *s.* Value 35 *s.* damages 3 *s.* 4 *d.* coſts 40 *s.*

H. 9 *Carro:* 1500 15 *P:* 10 *Car.* At which day the Jurors, *&c.* Afterwards, *&c.* And becauſe the Juſtices here will adviſe themſelves, *&c.* untill eight dayes of St. *Mich.* And from thence continued untill in eight dayes of Saint *Hillary*: At which day here cometh as well the ſaid *C:* as the ſaid *T:* by their Attorneys aforeſaid and hereupon the premiſes being ſeen, and by the Juſtices here fully underſtood, it is conſidered that the ſaid *C:* may recover againſt the ſaid *T:* as well her ſeiſin of the third part aforeſaid to hold to her in ſeveralty by metes and bounds as the value of the third part aforeſaid, from the time of the death of the ſaid *B:* once her Husband; Which ſaid value from the time of the death of the ſaid *B* once her Husband, in the whole doth amount to 389 *l.* 6 *s.* and 8 *d:* And her damages aforeſaid to 21 *l.* by the Jurors

Judgment for the value found, and damages aſſeſſed by the Jurors, and the Demandant remitteth part of the value and damages and a Writ of ſeiſin awarded.

aforeſaid in forme aforeſaid aſſeſſed; And alſo 40*s* to the ſaid *C:* at her requeſt for coſts and charges by the Court here of increaſe adjudged; Which ſaid value and damages in the whole do amount to 412*l:* 6*s* and 8*d* And the ſaid *T* in mercy *&c:* And hereupon the ſaid *M.* freely here in Court doth remit the ſaid *T.* 128*l.* of the value and damages aforeſaid; therefore the ſaid *T.* of the ſaid 128*l.* is acquitted: And hereupon the ſaid *C.* prayeth the Writ of the ſaid King to the Sheriff of the County aforeſaid, to be directed, to cauſe her to have full ſeiſin of the third part aforeſaid with the appurtenances. And to her it is granted returnable here from the day of *Eaſter* in fifteen dayes, *&c.*

Judgment for the Demandant.

Mich. 8 *Car.ro.* 2351 afterwards, *&c.* Therefore it is conſidered that the ſaid *I.* and *M.* may recover their ſeiſin againſt the ſaid *R* of the third part aforeſaid with the appurtenances, to hold to them in ſeveralty by metes and bounds; and the ſaid *A* in mercy, &c: and hereupon the ſaid *I* and *M* pray a Writ of ſeiſin, *&c:*

Mich:

M. 7. *Car. rot:* 335. Therefore it is considered that the ſaid *S:* and *R.* may recover againſt the ſaid *E.* and *M.* as well their ſeiſin of the third part of the Rent of the ſaid Mannors and Tenements of the firſt fruits and Crop of the ſaid piece of Meadow with the appurtenances, and of the Tythes aforeſaid, whereof by the Jurors aforeſaid it is above found the ſaid *B.W.* once the Husband, &c. to have dyed ſeiſed as the value of the third part of the ſame Mannors, &c. (as above) from the time of the death of the ſaid *B.* once the Husband, &c. which doth amount to 311 *l.* 13 *s.* and 4 *d.* And the ſaid *E* and *M.* in mercy, &c. And likewiſe the aforeſaid *S* and *R:* in mercy for their falſe clamor againſt the ſaid *E:* and *M:* for the reſidue of the third part of the Tenements aforeſaid with the appurtenances, whereof the ſaid *E* and *M:* by the Jurors aforeſaid, are above acquitted; And the ſaid *E* and *M* may go thereof without day, &c: And hereupon the ſaid *S* and *R* pray the Writ of the Lord the King to the Sheriffe of the County aforeſaid to be directed to cauſe them to have full ſeiſin of the third part

Judgment part for the Demandant, and part for the Tenant and the value found and damages aſſeſſed, and a writ of ſeiſin awarded.

of the Mannor, *&c.* whereof by the Jurors aforesaid it is found the said *B.* to have dyed, seised: And it is granted to them returnable here in the morrow of the *Holy Trinity*, *&c.*

Returne of the Writ of seisin & inquiry, where the Husband did not dye seised.

P. 9. Car. rot. 514. *Write on as in the* 4th. *presedent before this, untill these words (as by that Writ to him it was commanded. The same Sheriff also returned Write on as in the same place untill these words, by which it is found that the said* T. *did not dye seised of the Messuages and Gardens aforesaid in his Demesne as of Fee or of Fee Tayle,, &c.*

Verdict for the demandant by the default of the Tenant and a petit Cape awarded.

P. 10. Car. rot. 1585. *Afterwards, &c. Judgment that the third part aforesaid may be taken into the hands of the King: And the said* C. *prayeth summons, that he may be here in eight dayes of Saint* Hillary, *to heare their Judgment thereupon, &c.*

Three Tenants, and one made default upon the grand cape & petit cape and

P. 11 *Car. rot.* 1600. But the Judgment by the Default of the sad *John* may be respited untill the Issue aforesaid above joyned be determined: At at the aforesaid three weeks of the *Holy Trinity* the

the others pleaded to issue and Judgment upon the verdict against all of them for part and the residue for the Defendant.

Jurors

Jurors between the ſaid *P.* and the ſaid *W.* and *I.* of the ſaid plea, as to the laying of the iſſue aforeſaid between the ſame parties above joyned was put thereof between them into reſpit here, untill at this day (that is to ſay) from the day of Saint *Michael* in one Moneth then next following, Unleſſe, &c. afterwards &c. Therefore it is conſidered that the ſaid *P.* may recover againſt the ſaid *W. T.* and *I.* as well her ſeiſin of the third part aforeſaid of one Meſuage, one Orchard and five Acres of paſture with the appurtenances to hold to her in ſeveralty by metes and bounds as the value of the third part aforeſaid from the time of the death of the ſaid *T. M.* once her Husband which ſaid value from the time of the death of the ſaid *T M.* in the whole doth amount to 40 *s.* And her damages aforeſaid to 40 *s.* by the Jurors aforeſaid, &c. And alſo 5. *l.* and 10 *s.* to the ſaid *P.* at her requeſt, &c. Which ſaid damages in the whole do amount to ——And the ſaid *T. W.* and *I.* in mercy, &c. And likewiſe the ſaid *P.* in mercy for her falſe plaint of the Dower of her the ſaid *P.* for the reſidue of the third part of the Tenements aforeſaid, with the appurtenances where-

of the ſaid *T W & I.* by the Jurors aforeſaid are above acquitted; And the ſaid *W T* and *I* may go thereof without day, &c. And hereupon the ſaid *P* prayeth the Write of the Lord the King to the Sheriff of the County aforeſaid to be directed to cauſe her to have full ſeiſin of the third part of the ſaid one Meſſuage, one Orchard, and five Acres of paſture, with the appurtenances; and to her it is granted returnable here in the morrow of all Soules, &c.

Judgment for the Demandant after the Tenant had demurred upon the evidence at the Aſſizes.

P: 22 *Jac. ro.* 1763 *Cro: Trin:* At which day here cometh as well the ſaid Demandant as the ſaid Tenant by their Attorneys aforeſaid, and hereupon the premiſes being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the ſame Juſtices here, that the ſaid plea of the ſaid Tenant in retarding of the taking of the Jury aforeſaid, in form aforeſaid pleaded is not ſufficient in Law, as the ſaid Demandant hath above alleaged, and that the Judgment of and upon the premiſſes for the ſaid Demandant ought to be rendered: Therefore it is conſidered, &c: (as in the former preſident)

P: 7:

P. 7 *Car: rot:* 1857. Afterwards, *&c:* Therefore it is conſidered that the ſaid *A* may recover againſt the ſaid Defendant, as well her ſeiſin of the third part aforeſaid with the appurtenances, from the time of the death of the ſaid *K* once her Husband, &c: which doth amount to 5 *l.* as her damages aforeſaid to 50 *s* and alſo, &c: which ſaid Rent and Damages in the whole do amount to ——— And the ſaid Defendants in mercy, &c: and the Plaintiff prayeth a Writ of ſeiſin and hath it, &c. *Judgment for ſeiſin damages & Rent.*

P. 22 *Jac: ro.* 1728. And now here at this day cometh as well the ſaid Demandant as the ſaid Tenant by their Attorneys, &c. And the ſaid Juſtices, &c. afterwards, &c. And becauſe the Juſtices hereof, and upon the premiſſes without the knowledge of the true value of the ſaid third part of the ſaid fourteene Meſſuages and fifteen acres of Land with the appurtenances, cannot rightly and lawfully conſider and adjudge· Therefore the Judgment thereupon is reſpited untill, &c. *The value not being found by the Jury a writ of Inquiry awarded.*

And

And it is commanded to the Sheriff that by honeſt and lawfull men of the County aforeſaid, he diligently inquire how much the ſaid fourteen Meſſuages and fifteen Acres of Land with the appurtenances are worth by the yeare according to the true value of the ſame: and how much time hath elapſed from the time of the death of the ſaid *I* and the inquiſition which, *&c.* the Sheriffe cauſe to appeare herein eight dayes of the *Purification*, &c. Under the Seale, &c. and the Seales, &c. The ſame day is given to the ſaid Plaintiffs here, *&c.*

The Sherif returnes that ſeiſin was delivered by his Predeceſſor, and an inquiſition of the value and damages.

AT which day, *&c.* by her Attorney aforeſaid, and as to the ſaid Writ of Seiſin, the Sheriff (that is to ſay) *H.* and *N.* now returned here the Writ aforeſaid to him delivered by *H.* and *E.* late Sheriffs of the County aforeſaid, predeceſſor of the ſaid late Sheriff, in the going out of his Office, and by the ſame Sheriff executed and returned in Forme following, (that is to ſay) that the ſame late Sheriff, by virtue of the Writ aforeſaid to him directed the twentieth day of *September* laſt paſt, had cauſed the ſaid *Plaintiffe*, to have full Seiſin of the

third

third part of the ſayd eight Acres, &c. And as to the Writ of enquiring of the value and Damages aforeſaid, &c. The ſame Sheriffe now alſo here returned a certain Inquiſition before the ſaid late Sheriff at *H.* in the County aforeſaid, the twenty ſixth day of *September* laſt paſt by the oath of twelve, *&c.* taken, by which it is found, &c.

Trin. 12. *Car. ro.* 1501. 15. *Trin.* At which day here cometh the ſaid *M.* by her Attorney aforeſaid, and the Sheriff (that is to ſay) *I.R.* Knight, now witneſſeth the day of the taking, *&c.* and that ſummons, &c. Therefore it is conſidered, that the ſaid *M.* may recover againſt the ſaid *J.* and *J.* her Seiſin of the third part of the Tenements aforeſaid with the Appurtenances, to hold to her in ſeveralty by metes and bounds, by default, *&c.* and the ſaid *J.* and *J.* in mercy *&c.* and hereupon the ſaid *M* prayeth a Writ of ſeiſin, *&c.*

P. 13. *Car. ro.* 1206 At which day, the Jury between the ſame parties, *&c.* *Judgment in dower part for the demandant, part for the Tenant, and a writ of enquiry awarded for the value and the ſame remitted, and a writ of ſeiſin awarded.*

untill

untill from the day of *Easter* in one month then next following, unleſs, *&c.* and the ſaid Juſtices, &c. afterwards, *&c* and becauſe the Juſtices here of, and upon the Premiſſes without the knowledge of the true value of the ſaid third part of the ſaid two Meſſuages, *&c.* with the Appurtenances, cannot rightly and lawfully conſider and adjudge. Therefore the Judgment thereof is reſpited, untill, *&c.* and it is commanded to the Sheriff of the County aforeſaid, he diligently enquire how much the ſaid third part of the ſaid two Meſſuages are worth by the year, according to the true value of the ſame, and how much time hath elapſed from the time of the death of the ſaid *E.* and the Inquiſition which, *&c.* the Sheriff make manifeſt here in fifteen dayes of St. *Martin*, under the ſeal, *&c.* and the ſeals *&c.* The ſame day is given to the ſaid *W.* and *H.* here, &c: At which day here cometh the ſaid *W* and *R* by their Attorneys aforeſaid, and the Sheriff (that is to ſay) *T C* Eſquire, now returneth here a certaine Inquiſition before him at *C* in the County aforeſaid, the eleventh day of *November* laſt paſt, by the Oath of twelve, &c(taken, by which it is found that the

ſaid

ſaid 3 part of the ſaid two meſſuages&c: with the appurtenances, from the time of the death of the ſaid *E* untill the day of the taking of the Inquiſition aforſaid are clearely worth by the yeare, 3*l.* 6*s.* 8*d.* & that from the time of the death of the ſaid *E* until the day of the taking of the inquiſition aforſaid, 11 years, 10 months & 1 week are elapſed: Therfore it is conſidered, that the ſaid *W:* and *R:* may recover againſt the ſaid *E* as well their Seiſin of the ſaid 3 part of the ſaid two meſſuages, &c: with the Appurtenances to hold to them in ſeveralty by metes & bounds as the value of the 3 part of the ſame 2 Meſſuages, &c: with the appurtenances from the time of the death of the ſaid *E*: once the huſband, &c. which ſaid value from the time of the death of the ſaid *E* once her huſband, &c: in the whole do amount to —— and their Damages aforeſaid to 12 pounds by the Jurors, *&c.* And alſo twelve pounds to the ſaid *W.* and *R.* at their requeſt, &c. which ſaid Damages in the whole do amount to ſeventy four pounds nine ſhillings, and the ſaid *E.* and *A.* in mercy, *&c.* and likewiſe the ſaid *W* and *R.* in mercy, for their Falſe plaint, againſt the ſaid *E.* and *A.* for the reſidue of the

the Dower aforeſaid, whereof the ſame *E A.* by the Jurors aforeſaid, is above acquitted, and may go thereof without day &c. And hereupon the ſaid *W:* and *R.* freely here in Court, remit the ſaid *E. A.* the ſaid thirty nine pounds nine ſhillings for the value aforeſaid. Therefore the ſame *E.* of the ſayd thirty nine pounds nine ſhillings for the value aforeſaid, parcell of the ſaid ſeventy four pounds nine ſhillings, is acqnitted, &c. whereupon the ſaid *W.* and *R.* pray a Writ of Seiſin, &c.

Day given to the demandant to prove her husband dead, who doth it, and Judgemeat is given for her, and a writ of ſeiſin awarded.

Trin: 1. *Eliz. ro.* 728: *P:* 38: *Eliz: ro.* 709: *Oct: Mich:* At which day here cometh the ſaid *S* by her Attorney aforeſaid, ready to ſpeak of the death of, &c. and the ſaid *S* ſolemnly called to ſpeake of the life, &c. cometh not, but maketh default, and the ſaid *S* bringeth here in Court with her, one *I: B:* Gentleman and *W: H:* Gentleman, who by the Court here of and upon the premiſſes ſworn and examined, ſay pon their oathes, as followeth in theſe Words, ſ: *I: B:* Gentleman, maketh oath, that *R: N:* late of *C:* in the County of *E:* who married *S.* the daughter of this Deponent, did go beyond the

ſeas

ſeas into *Ruſſia*, about five years ago with one *W*: *H*: gentleman, who was Leiutenant to Captain *Gray*, and as the ſaid *W*: *H*, and one *I*: *S*: who was alſo in that voyage, have often affirmed, to this deponent that the ſaid *R*: *N*: dyed there; and was there buried, and the ſaid *R*. was Husband to the ſaid *S*. who is now demandant in the Writ of Dower. *W H* of *S* in the County of *S*. Gent. maketh oath that one *R S* went with this Deponent being Leiutenant to Captain *Gray*, who went into *Ruſſia* about five years ſithence which ſaid *R S* was in *Ruſsia* about two moneths, and then dyed, going up the River of *Volda*, and was there carried on the ſhoare and buried in *Ruſſia* about five years ſithence, he was a young black man and went ſtooping: Which being read and heard to the juſtices, here it ſufficiently appeareth, that the aforſaid *R* once her huſband &c. out of the endowment of whom and before the day of the Writ of dower, of him the ſaid *S*, that is to ſay) the ſaid twelfth day of *January*, in the eleventh year aboveſaid at *C*: aforeſaid dyed, as the ſaid *S*: hath above alledged Therefore it is conſidered that the ſaid *S* may recover her Seiſin againſt the ſaid *S*

of

of the third part aforeſaid with the appurtenances; And the ſaid *S.* in mercy, *&c.* And hereupon the ſaid *S.* prayeth a Writ of ſeiſin, &c:

The coſts by the Jury are waved, becauſe they ought not to be given and Judgment for the demandant.

M. 14 to Car. ro. 2292. *Afterwards, &c. Therefore no reſpect being had to the damages and coſts by the Jurors aforeſaid in forme aforeſaid aſſeſſed, becauſe ſuch like damages and coſts by the Law of the Land, in ſuch caſe in no wiſe are to be adjudged: It is conſidered thae the ſaid* F *may recover againſt the ſaid* T *her ſeiſin of the third part aforeſaid with the appurtenances to hold to her in ſeveralty my metes and bounds, &c. as in others.*

Judgment againſt ſix, three appeare and three make default at the Aſſiſes.

AT *which day here cometh the ſaid Demandant by her Attorney aforeſaid. And put her ſelfe the fourth day againſt the ſaid Tenant of the ſaid plea. And he ſolemnly called, cometh not: And the Sheriff now returned the takin gof &c. And the ſummons, &c. Therefore it is conſidered that the ſaid D. may recover her ſeiſin, &c.*

M. 24 *to H.* 8 *ro.* 328. *G. Bovile & Eliz.* his wife, by *R. B.* their Attorney Demandants againſt *Jo. Fitz-James* Kt. *Jo. Horſey*

Horſey, *I. F. A. F. I. B. & I. F.* for the third part of ſixty Meſſuages with the appurtenances in *S.* as the Dower, &c. The Tenants plead the Husband was never ſeiſed, whereby the Demandants could have been indowed: Afterwards the proceſſe continued, &c. And now here at this day cometh the within named Demandants by their Attorney aforeſaid, as the within written *I. F.* Kt. *J. H. & J. F.* by their Attorney within contained, and the within written *A. F. I. B. & I. F.* although ſolemnly called come not: And the Jurors of the Jury, whereof within mention is made likewiſe called, who to ſay the truth of &c. ſay upon their oath that the within named *Alex.* once the Husband, &c. the day in which he did eſpouſe the ſaid *E.* and afterwards was ſeiſed of the Tenants within written, of ſuch an eſtate ſo that he might endow the ſaid *E.* thereof. Therefore it is conſidered that the ſaid Demandants may recover their ſeiſin againſt the ſaid *I. F. I. H. & I. F.* of the third parts of the third part aforeſaid with the appurtenances, and the ſame *I. I. & I.* in mercy, &c. And alſo it is conſidered that the other three parts, reſidue againſt the ſaid *A. F.*

I B. and *I. F.* above required, may be taken into the hands of the Lord the King, and the ſame *A. I* and I. be ſumoned that they may be here (on a day) to hear their judgment thereupon, &c. At which day here come the ſaid demandants by their Attorny aforeſaid, and put themſelves the fourth day againſt the ſaid *A. I.* and *I.* of the ſaid plea, and they come not, and the Sheriff now returneth the taking, &c. And the Summons, &c. Therefore it is conſidered, that the ſaid Demandants may recover againſt the ſaid *A. I B.* and *I M.* of the aforeſaid other three parts of the whole third part aforeſaid, reſidue with the appurtenances by default, &c. And the ſame *A. I* and *I* in mercy, &c.

Judgment in Dower againſt the Vouchee conditionally.

P. 5 E 6 ro. 613 Paſ: 24 Eliz. ro. 1337 or 1677 or 1397. Therefore it is conſidered that the ſaid *I.* may recover againſt the ſaid *H. H.* her Dower to the value of the third part aforeſaid above demanded with the appurtenances, of the Lands which to the ſame *H.* did diſcend from the ſaid *I H.* his Brother in fee-ſimple if he may have thereof that value, &c. And that the ſaid *Jo. H.* may hold the Tenements aforeſaid with the appurtenances where of, &c. in peace, if the

the ſaid *H.* may have thoſe Lands and Tenements in the County aforeſaid, to the value of the third part aforeſaid above demanded; Otherwiſe ſhe may recover againſt the ſaid *J. H.* her ſeizin of the third part aforeſaid above demanded with the appurtenances; And that the ſaid *J. H.* may have of the Land of the ſaid *H H.* to the value, &c. when it ſhal happen, and the ſame *H* in mercy, *&c:*

Abatement of the Writ becauſe of the nonage of the Tenant upon the wager of Law of not being ſummoned.

AT which day here cometh as well the ſaid *D.* by her Attorney aforeſaid, as the ſaid *T.* in his own perſon, and becauſe the ſaid *D. T.* his Law aforeſaid cannot doe, for that that he is under age, as by the viewing of the body of him the ſaid *T.* to the Juſtices here it fully appeareth, and the ſaid *D.* preciſely took himſelfe to the ſaid default, which the ſaid *T.* here made at the ſaid eight dayes of Saint *H:* in the ninth yeare of the Raign of the now Lord the King: It is conſidered that the ſaid *D:* take nothing by his Writ aforeſaid, but may be in mercy for his falſe plaint thereof, and the ſaid *T* and his pledges aforeſaid, from the Law may goe thereof without day, *&c.*

Writ of ſeiſin & inquiry of damages awarded.

P 17 *Eliz. ro.* 1394. *Cro. Trin:* At which day here cometh as well the ſaid *T.* by

her Attorney aforeſaid, and putteth her ſelf the fourth day againſt the ſaid *O.* of the plea aforeſaid, and he ſolemnly called cometh not; And the Sheriffe teſtifieth the day of the *Caption*, &c. And that ſummons, &c. Therefore it is conſidered, that the ſaid *P.* may recover her ſeiſin againſt the ſaid *O.* who formerly here made default after defanlt, as it appeareth above of the third part aforeſaid by default, &c. And the ſame *O* in mercy, &c. and hereupon the ſame *P.* prayeth the Writ of the Lady the Queen to the Sheriffe of the County aforeſaid to be directed to cauſe her to have full ſeiſin of the third part aforeſaid with the appurtenances, and to her it is granted returnable here in eight dayes of Saint *Michael*, &c. And alſo the ſaid *P.* ſaith, that the ſaid *H.* once her Huſband, &c. dyed ſeiſed of the Tenements aforeſaid with the appurtenances whereof, &c. in his Demeſne as of Fee; and prayeth the Writ of the Lady the Queen to inquire of the damages, &c. and to her it is granted returnable here at the aforeſaid time.

The Sherif returneth the delivery of ſeizin, and inquiry of Damages and Judgment thereupon and an elegit awarded.

AT which day the plaint, &c: And now at this day cometh the ſaid *E. T.* and *M.* by their Attorney aforeſaid, and the

the Sheriff (that is to ſay) *G. R.* Eſquire now returneth that he by vertue of the Writ aforeſaid to him directed, the ſecond day of *September* laſt paſt hath cauſed the ſaid *E.* and *M.* to have full ſeiſin of the third part of the Tenements aforeſaid with the appurtenances (that is to ſay) of one particular, ſcituate on the weſt part of the Meſſuage aforeſaid, and one cloſe of Land containing eight acres called the *Chart* Cloſe, lying on the South ſide of meſſuage aforeſaid, to hold to them the ſaid *E* and *M.* in ſeveralty by metes and bounds in allowance of the whole Dower of her the ſaid *M:* belonging to the ſaid *M.* of the Tenements aforeſaid with the appurtenances, after the death of the ſaid *W T* once her Huſband, as by that Writ to him it was commanded, &c. The ſame Sheriff alſo returned a certaine Inquiſition before him, at *H* in the County aforeſaid, the ſame ſecond day of *September* by the Oath of 12. &c. taken by which it is found, that the ſaid *W T:* dyed ſeiſed of the Tenements aforeſaid with the appurtenances, whereof, &c. in his Demeſne as of Fee; And that the Tenements aforeſaid with the appurtenances

are worth by the yeare in all Iſſues beſides the reprizes 56 *s.* and that one yeare and a quarter are elapſed after the death of the ſaid *W T.* and that the ſaid *E T* and *M* have ſuſtained damages by occaſion of the detaining of the Dower of her the ſaid *M* of the Tenements aforeſaid with the appurtenances to 3 *s.* 4 *d.* Therefore it is conſidered, that the ſaid *E M* may recover againſt the ſaid *R S* as well the value of the third part of the Tenements aforeſaid with the appurtenances, which ſaid value from the time of the death of the ſaid *W. T.* in the whole doth amount to 23 *s:* and 4 *d.* as her damages aforeſaid by occaſion of the detaining of the Dower aforeſaid to 3 *s.* and 4 *d.* by the Inquiſition aforeſaid in forme aforeſaid found, and alſo 5 *s.* to the ſaid *E T & M.* at their requeſt for their coſts and charges by them about their Suit in this behalfe laid out by the Court here adjudged: which ſaid value and damages in the whole, do amount to 3 *l.* 16 *s.* and 8 *d.&c.* And hereupon the ſaid *E T & M.* by the Statute,&c. chooſe to be delivered to them, all the Goods and Chattells of the ſaid *R. S.* beſides his Oxen and Beaſts of his plow, and likewiſe

wiſe the moyety of all his Lands and Tenements in the County of *O* to hold to themſelves the Goods and Chattells aforeſaid as their own Goods & Chattels, and alſo to hold the moyety aforeſaid, as their Free-hold to them and their Aſſignes according to the form of the Statute aforeſaid, untill the Debt and damages aforeſaid, be therefore levied, and pray a Writ thereupon to the Sheriff of the County of *O.* aforeſaid to be directed, and to them it is granted, returnable here in eight dayes of Saint *Hillary &c.*

Ejectment.

Judgment for the Plaintiffe after a Verdict at the Aſſizes.

*T*R. *Trin.* At which day the Jury between the parties aforeſaid of the plea aforeſaid was reſpited thereupon between them here untill at this day, (that is to ſay) from the day of Saint *Michael* in three weeks then next following, Unleſſe the Juſtices of the Lord the King aſſigned to take the Aſſizes in the County aforeſaid had firſt comed. And now hereat this day cometh the ſaid Plaintiff by his Attorney aforeſaid; And the ſaid Juſtices at the Aſſizes before whom &c. ſent here their record in theſe words,

Afterwards,&c. Therefore it is conſidered, that the ſaid Plaintiff may recover againſt the ſaid Defendant his terme aforeſaid of, and in the Tenements and Common of Paſture aforeſaid with the appurtenances yet to come, and his damages aforeſaid to 40 *s.* and one penny, and the ſaid Defendant may be taken, &c. and hereupon the ſaid Plaintiff prayeth the Writ of the Lord the King to the Sheriff of the County aforeſaid to be directed to cauſe him to have his poſſeſſion of his terme aforeſaid of and in the Tenements and Common of Paſture aforeſaid with the appurtenances yet to come, and to him it is granted returnable here, from the day of Saint *Martin* in fifteene dayes, &c. *Trin.* 23. *Car.ro.* 330.

Judgment for part for the Plaintiff and the Plaintiff in mercy for the reſidue.

TRin. 23 *Car.ro.* 384. Afterwards, &c' Therefore it is conſidered that the ſaid Plaintiff may recover againſt the ſaid Defendant his terme aforeſaid, of and in the ſaid 260 acres of wood with the appurtenances (whereof by the Jurors aforeſaid, it is above found the ſaid Defendant to be guilty of the Treſpaſs and ejectment aforeſaid) yet to come and his damages aforeſaid to 41 *s.* by the Jurors, &c. And alſo 6 *l.* to the ſaid Plaintiffe at his

his requeſt, *&c.* Which ſaid damages in the whole do amount to 8 *l.* 12 *d.* and the ſaid Defendant be taken, *&c.* and the ſaid Plaintiff in mercy for his falſe plaint againſt the ſaid Defendant, for the reſidue of the treſpaſs and ejectment aforeſaid, whereof the ſaid Defendant by the Jurors aforeſaid, is above acquitted, and the ſaid Defendant may go thereof without day, *&c.* And hereupon the ſaid plaintiff prayeth the Writ of the Lord the King to the Sheriff of the County aforeſaid to be directed, to cauſe him to have his poſſeſſion of his terme aforeſaid yet to come, of and in the ſaid 260 acres of Wood with the appurtenances, and to him it is granted returnable here in eight daies of St. *Hillary*, *&c.*

The Defendant relinquiſheth his plea and confeſſeth the action, and a Writ of inquiry awarded for the Plaintiffe.

AT which day here come the parties aforeſaid, *&c.* (as in a common action at which day here cometh as well the ſaid *I.* by his Attorny aforeſaid as the ſaid *A* by *I B* his Attorny, by a ſpeciall warrant in this behalfe appointed, and hereupon the ſaid Defendant relinquiſhing his averment aforeſaid, *&c.* (as in others) Nor but that he is guilty of the treſpaſs and ejectment aforeſaid, as the ſaid plaintiff hath above againſt him complained. There-

Therefore it is conſidered that the ſaid Plaintiffe may recover againſt the ſaid Defendant his terme aforeſaid of and in the Tenements aforeſaid with the appurtenances yet to come; And his damages by occaſion of the Treſpaſs and ejectment aforeſaid, And becauſe it is unknowne what damages, &c. under the Seal &c. and the Seales, &c.

Judgment for the Plaintiffe after a Verdict at the Barre, and a writ of poſſeſſion awarded, and the return thereof.

TRin. 9 Car. ro. 245. At which day the Jury aforeſaid, between the parties aforeſaid, of the plea aforeſaid, &c. And now here at this day cometh as well the ſaid Plaintiff as the ſaid Defendant by their Attorneys aforeſaid, and the Jurors impannelled, being called likewiſe come, who to ſay the truth of the premiſes are elected tryed and ſworn, as to the Treſpaſſe and ejectment aforeſaid in 10 acres of Land and 84 acres of Wood in *W.* aforeſaid, parcell of the Tenements aforeſaid above ſuppoſed to be done, they ſay upon their Oath that the ſaid Defendants are thereof guilty as the ſaid Plaintiff hath above againſt them thereof complained, and they aſſeſſe the damages of him the ſaid Plaintiffe by occaſion of that Treſpaſſe and ejectment beſides his coſts, &c. to 10 *s.* And for

that

that coſts and charges to twenty Marks. And as to the reſidue of the Treſpaſs and Ejectment aforeſaid in the reſidue of the Tenements aforeſaid with the Appurtenances, above ſuppoſed to be done, the Jurors aforeſaid further ſay upon their oath aforeſaid, that the *Plaintiff* in nothing is thereof guilty, as the ſaid *Defendants* have above thereupon alleadged: Therefore it is conſidered, that the ſaid *Plaintiff* may recover againſt the ſaid *Defendants* her Term aforeſaid, of and in the ſaid ten acres of Land, and eighty four Acres of Wood with the Appurtenances in *W* aforeſaid (whereof by the Jurors aforeſaid it is above found the ſayd *Defendants* to be guilty of the Treſpas and Ejectment aforeſayd) yet to come, and his Damages aforſaid to 3 pounds 6 ſhillings and 8 pence by the Jurors aforeſaid in Form aforeſaid aſſeſſed: And alſo one and twenty pounds three ſhillings and four pence, at his requeſt &c. which ſaid Damages in the whole doe amount to ——— and let the ſaid *Defendants* be taken, &c. and the ſaid *Plaintiffe* in mercy for his falſe plaint againſt the ſaid *Defendants* for the reſidue of the Treſpaſs and Ejectment aforeſaid, whereof the ſaid *Defendants*

fendants by the Jurors aforesaid, are above acquitted; And the said *Defendants* may go thereof without day, &c. And hereupon the said Plaintiff prayeth the Writ, &c. and to him it is granted returnable here in the morrow of the *Holy Trinity*, &c. At which day here cometh the said Plaintiff by his Attorney aforesaid; and the Sheriff (that is to say) *M. W.* Knight and Barronet now returneth that he by vertue of the Writ aforesaid to him directed the eleventh day of *June* last past had caused the said Plaintiffe to have his possession of his terme aforesaid of and in the Tenements aforesaid with the appurtenances yet to come, as by the Writ aforesaid to him it was commanded, &c.

Verdict against severall Defendants of severall parcells of Land, and severall damages found, and costs against all.

TRin. 10. *Car. rot.* 2155. At which day the Jurors, &c. afterwards, &c. Therefore it is considered, that the said *Plaintiff* may recover against the said *TR* his term aforesaid, of and in one messuage eight acres of meadow, seven acres of pasture with the appurtenances (whereof by the Jurors aforesaid, it is above found the sayd *T* to be guilty of the trespas and Ejectment aforesaid) yet to come, and his

his Damages by occaſion of that Treſpas and Ejectment to the ſaid *Plaintiff* by the ſaid *T.* in Forme aforeſaid done, beſides his coſts and charges aforeſaid to the ſaid two pence by the Jurors aforeſaid, in Forme aforeſaid aſſeſſed, and againſt the ſaid *I:* his tearm aforeſaid, of and in the ſaid one Cottage with the Appurtenances, whereof by the Jurors aforeſaid, it is found above the ſaid *I:* to be guilty of the Treſpas and Ejectment aforeſaid) yet to come, and his Damages by occaſion of that Treſpas and Ejectment to the ſaid *Plaintiff* by the ſaid *I* in Forme aforeſaid done, beſides his coſts & charges aforeſaid to the ſaid 2 *d.* by the Jurors aforſaid, in form aforeſaid aſſeſſed (& ſo againſt thereſt of the *Defendants* where there are ſeverall Ejectors) and it is alſo conſidered, that the ſaid *Plaintiff* may recover againſt the ſaid *T:* and *I.* his Damages for his Coſts and Charges by him, &c. to the ſaid forty ſhillings in Forme aforeſaid, likewiſe aſſeſſed, and alſo eight pounds to the ſame *Plaintiff* at his requeſt for coſts, &c: which ſaid Damages, Coſts, and Charges beſides the ſeverall Damages aforeſaid, in the whole do amount to ten pounds, and the ſaid *T.* and *I.* may be taken, &c. and

the

the ſaid *T* and *I* may be taken, *&c.* and the ſayd *Plaintiffe* in mercy for his falſe plaint againſt the ſaid *T.* and *I.* for the reſidue of the Treſpaſs and Ejectment aforeſaid, wherof the ſaid *T. I. &c.* by the Jurors aforeſaid are above acquitted, & the ſaid *T. I.* &c. may go thereof without day, and hereupon the ſaid *Plaintiff* prayeth the Writ of the Lord the King to the Sheriff, *&c.*

Tarde returned upon the writ of poſſeſſion, and the writ of enquiry executed, and another writ of poſſeſſion awarded.

TRin. 10. *Car. ro.* 1376 *Oct. M.* 9. *Teſt Oct.* 10 *Car.* At which day here cometh the ſaid *L.* by his Attorney aforeſaid, and the Sheriff (that is to ſay) *R S* Knight now returneth, that as to the aforeſaid Writ of cauſing to have poſſeſſion, &c. The ſame Writ was delivered ſo late to the ſame Sheriff, that for the ſhortneſs of the time, he could not proceed to the Execution thereof, and as to the ſaid Writ of enquiry of Damages, &c: the ſame Sherif alſo returneth here a certain Inquiſition at *E* in the County aforeſaid the eleventh day of *November* laſt paſt, by the oath of twelve, &c taken, by which it is found that the ſaid *L* hath ſuſtained Damages by occaſion of the Treſpas and Ejectment aforeſaid beſides his coſts, &c:

to

to forty ſhillings, and for thoſe Coſts, &c. to ſix pence: Therefore it is conſidered that the ſaid *L.* may recover againſt the ſaid *I:* his Damages aforeſaid to forty ſhillings, by the Inquiſition aforeſaid in Forme aforeſaid found: And alſo ſix pounds nineteen ſhillings ſix pence, to the ſame *L.* at his requeſt, &c. Damages in the whole eight pounds, and the ſaid *I* may be taken &c. and hereupon the ſaid *L.* as before prayeth the Writ of the Lord the King to the Sheriff of the County aforeſaid to be directed, to cauſe him to have poſſeſſion &c.

M. 9 *Car: ro* 1364. The morrow of St. *Martin*, *Teſte* the twenty fifth of *June* 10. *Car.* At which day here cometh the ſaid *T. P.* by his Attorney aforeſaid, and as to the ſaid writ of cauſing to have poſſeſſion, &c. the Sheriffe did nothing thereupon, nor ſent the Writ thereupon: Therefore as before, let another Writ be made to him thereof in forme aforeſaid, &c. returnable here in eight dayes of St. *Hillary*, &c. And as to the aforeſaid Writ of inquiring of damages, *&c.* the Sheriff (that is to ſay) *A. B:* now returned here a certaine Inquiſition (as in others) And for

As to the writ of poſſeſſion, the Sheriffe returneth that nothing was done thereupon and as to the writ of enquiry of damages, the ſame executed, and another writ of poſſeſſion awarded.

for thoſe coſts and charges to 6 *s.* And becauſe the Juſtices will adviſe themſelves of and upon the premiſes, *&c.* untill eight dayes of Saint *Hillary* of hearing, *&c.* At which day here cometh the ſaid *T.* by his Attorney aforeſaid: and hereupon the premiſes being ſeen, and by the Juſtices here fully underſtood, it is conſidered, *&c.* be taken, *&c:* and as to the ſaid Writ of cauſing to have poſſeſſion, the Sheriff at the ſaid eight dayes of Saint *Hillary*, did nothing thereupon, nor ſent his writ thereupon: Therefore as before, let another Writ thereupon be made in form aforeſaid returnable here, *&c.*

Judgment that the Plaintiffe recover the Lands and remitteth the damages and prayeth Judgment for the coſts with increaſe, and the reſidue of the Lands the plaintiffe is found not guilty.

TR. 9: *Car*: *Ro*: 1697: After the proceſs contemned between the parties aforeſaid of the plea aforeſaid, by the Jurors thereof, was reſpited between them here until at this day (that is to ſay) in 15 dayes of *E.* in the 11th. year of the Raign of the now Lord King *Charles*. Unleſſe, &c. And now, &c. Afterwards, &c. And hereupon the ſame *P.* freely here in Court remitteth to the ſaid *R R*: and *A:* the ſaid 6 *l.* for the damages aforeſaid by the Jurors aforeſaid, in forme aforeſaid aſſeſſed and

and alſo the increaſe of the ſame to him to be adjudged: &c: Therefore it is conſidered that the ſaid *P.* may recover againſt the ſaid *R: R.* and *A:* his Term aforeſaid, of and in the Tenements aforeſaid with the Appurtenances (whereof by the Jurors aforeſaid it is above found the ſaid *R: R:* and *A:* to be guilty of the Treſpaſs and Ejectment aforeſaid) yet to come, and alſo it is conſidered that the ſaid *P.* may recover againſt the ſaid *R.R.* and *A.* the ſaid fifty three pounds and four pence by the Jurors aforeſaid in form aforeſaid aſſeſſed, and alſo ſeven pounds ſix ſhillings and eight pence to the ſaid *P.* at the requeſt &c: which ſaid coſts and charges in the whole do amount to ten pounds, and the ſaid *R. R.* and *A.* be taken, &c. and the ſaid *P.* in mercy for his falſe plaint againſt the ſaid *R: R:* and *A.* for the reſidue of the Treſpaſs and Ejectment aforeſaid, whereof the ſaid *R. R:* and *A.* reſpectively by the Jurors aforeſaid are acquitted, and the ſaid *R.R.* and *A.* of the reſidue of that Treſpaſs and Ejectment aforeſaid, and of the ſaid ſix pence for the Damages aforeſaid, by the Jurors aforeſaid, in form aforeſaid aſſeſſed, may go thereof without day, &c: and hereupon, &c.

Judgment for the plaintiff where the time is paſt before the Judgement given.

H8 *Car. ro.* 514. *oct. Par.* At which day the Jurors, *&c.* Afterwards, &c. and becauſe the Juſtices here will adviſe themſelves, and ſo continue it till *P.* 11: *Car:* At which day here cometh as well the ſaid *R:* as the ſaid *L:* by their Attorneys aforeſaid, and hereupon the Premiſſes being ſeen, and by the Juſtices here fully underſtood, for that it ſufficiently appeareth to the Court here, that the ſaid Term of three years is fully paſt, it is conſidered that the ſaid *R.* may recover againſt the ſaid *L.* his Damages aforeſaid to forty ſhillings by the Jurors, *&c.* and alſo *&c:* which ſaid Damages in the whole do amount to ſeven ponnds, and the ſaid *L.* be taken, &c:

One of the Defendants found not guilty as to part, the others not guilty to all.

BE *taken, &c. and the ſaid Plaintiffe in* mercy *for his falſe clamor againſt the ſaid* T *for the reſidue of the Treſpas and Ejectment aforeſaid and againſt the ſaid* C *and* R *of the whole Treſpaſs and Ejectment aforeſaid wherof the ſame* T C *and* R *by the Jurors aforſaid are acquitted, and the ſame* T C *and* R *may go thereof without day, &c: and hereupon, &c:*

Trin.

TRin: 20: Jac: ro 759. Afterwards &c: and hereupon the ſaid Plaintif freely here in Court remitteth the ſaid Defendant what damages ſoever to him by occaſion of the Treſpaſs and Ejectment aforeſaid to be adjudged, and prayeth Judgment of the Treſpaſſe and Ejectment aforeſaid for his tearm aforeſaid, of and in the tenements aforeſaid with the appurtenances yet to come, and the ſaid Defendant be taken, &c. and hereupon the ſaid Plaintiff prayeth a Writ of poſſeſſion, and the ſaid Defendant of the damages aforeſaid for that occaſion to be adjudged, may be acquitted, &c.

AFterwards, &c: and hereupon the ſaid *Plaintiffe* freely here in Court remitteth the ſaid *I. F:* the elder, and *I: F:* the younger, the ſaid two pence by the Jurors aforeſaid againſt the ſaid *I: F:* the elder aſſeſſed, and prayeth Judgement againſt him the ſaid *I: F:* the elder, of and upon the verdict aforſaid, and alſo againſt him the ſaid *I F* the elder, and *I: F:* the younger of the reſidue of the Damages aforeſaid, by the Jurors aforeſaid in form aforeſaid aſſeſſed to him to be adjudged, *&c.* Therefore the ſaid two pence for

the Damages aforeſaid, as aforeſaid aſſeſſed, being remitted, deducted, and allowed: It is conſidered that the ſaid *Plaintiff* may recover againſt the ſaid *I F* the elder his Term aforeſaid, of and in the Tenements aforeſaid with the Appurtenances, yet to come and againſt the ſaid *I: F:* the elder, and *I: F.* the younger his Damages aforeſaid, reſidue to forty ſhillings and two pence by the Jurors, &c. And alſo five pounds nine ſhillings and ten pence to the ſaid *Plaintiffe* at his requeſt, *&c.* which ſaid Damages in the whole do amount to eight pounds ten ſhillings, and the ſaid *I F* the elder, and *I F* the younger, may be taken, &c. and hereupon the ſaid *Plaintiff* prayeth the Writ, &c. *H.* 19. *Jac. ro.* 3097.

The Sheriff returneth that he hath delivered poſſeſſion, and an inquiſition for the damages and the Court will adviſe before judgement for the damages.

HIll. 11. *Car. ro.* 1569. At which day here cometh the ſaid *Plaintiff* by his Attorney aforeſaid, and as to the Writ of having poſſeſſion, &c. the Sheriff (that is to ſay) *G S* Eſquire, now returned, that he by virtue of the Writ aforeſaid to him directed the one and twentieth day of *November* laſt paſt, had cauſed the ſaid *Plaintiff* to have his poſſeſſion of his Term aforeſaid, of and in the Tenements aforeſaid

foreſaid with the Appurtenances yet to come, according to the Exigence of the Writ aforeſaid, and as to the ſaid Writ of enquiry of Damages, *&c.* the ſame Sheriff alſo returned here a certain Inquiſition (as in others)untill) for thoſe coſts and charges to four pence, and becauſe the Juſtices here will adviſe of and upon the Premiſſes, as to this whereupon the ſayd Writ of enquiry of Damages did iſſue, before they render judgment thereupon, a day is given to the ſaid *Plaintiff* (as in others) &c.

The Sheriff returneth that poſſeſſion was delivered by his predeceſſor, and a tarde as to the writ of enquiry.

AT which day here cometh the ſayd *W.* by his Attorney aforeſaid, and the Sheriff (to wit) *W.G.* Eſquire, now returneth here that the ſaid *W.B.* Eſquire late ſheriff of the County aforeſaid, predeceſſor of the ſaid now ſheriff as to the ſaid Writ of cauſing to have poſſeſſion, *&c.* by virtue of the ſame Writ to him directed the eighth day of *March* laſt paſt, had cauſed the ſaid *W.H.* to have his poſſeſſion of and in the Tenements and paſſage aforeſaid with the appurtenances, yet to come, and as to the Writ of enquiry of Damages, &c. that Writ was ſo late to him delivered, that for the

ſhortneſs of time he could not execute that Writ, which ſayd Writ by the late Sheriff (in the going out of his office to the ſame now Sheriff, together with the return of the ſame as aforeſaid mentioned) was delivered, *&c.*

Judgment in Formedon.

Hill: 8. *Car.ro.* 2. *Cro. Trin.* 9. *Car:* At which day here cometh the parties, &c: and the Sherif did not ſend the Writ Therfore as before it was commanded to the Sherif that he cauſe to come here from the day of St. *M.* in 15 dayes twelve, &c. to recognize in form aforeſaid, &c: At which day the Jurors, &c. Afterwards, &c. Therefore it is conſidered that the ſaid *Plaintiff* may recover againſt the ſaid Tenant his ſeizin of the Tenements aforeſaid with the Appurtenances, and the ſaid *I* in mercy, &c. And hereupon the ſaid Demandant prayeth the Writ of the Lord the King to the Sheriff of the county aforeſaid to be directed, of cauſing him to have full ſeiſin of the Tenements aforeſaid with the Appurtenances, and to him, it is granted returnable here in the morrow of the *Holy Trinity*, &c.

Paſc.

PAſc. 34. H. 8. rot. 516. *Therefore it is conſidered that the ſaid Plaintiff may recover againſt the ſaid Defendant the cuſtody as well of the heir as of the Land aforeſaid, and the ſaid Defendant in mercy*, &c. *Judgement for the plaintiffe in a writ of* Recto cuſtodie.

Judgements upon Informations.

H. 6. *Car. rot.* 1796. And now at this day cometh the ſaid *H.* who as well &c. in his proper perſon, and the ſayd juſtices, *&c.* afterwards &c. Therefore it is conſidered that the ſaid now Lord the King, and the ſaid *H.* who as well, &c. may recover againſt the ſayd *Defendants* the ſaid forty marks for the value of the Tenements aforeſaid, againſt the Form of the Statute aforeſaid, brought and taken by force of the ſame Statute, whereof the now Lord the King may have thirteen pounds ſix ſhillings eight pence for his moyety, and the ſaid *H.* who as well, &c. the other thirteen pounds ſix ſhillings and eight pence for his moyety according to the form of the Statute aforeſaid, aud the ſaid *Defendant* may be taken, &c. *For buying of a pretended title.* *Be taken.*

Judgment upon the Statute of Recuſancy.

*Hill.*8.*Car.rot.* 452. Afterwards, &c. Therefore it is conſidered, that the ſaid *I.* may forfeit to the now Lord the King, the ſaid two hundred and twenty pounds by the jurors aforeſaid in form aforeſaid found, to be due in three parts equally to be divided, whereof the ſayd Lord the King may recover two parts, (that is to ſay) one third part (to wit) ſeventy three pounds ſix ſhillings and eight pence, to the proper uſe of him the ſaid Lord the King, and another third part thereof (that is to ſay) ſeventy three pounds ſix ſhillings and eight pence for the releif of the poor of the ſaid pariſh of *S.* and the ſayd *Plaintiffe* who as well &c may recover the other third part reſidue thereof (to wit) the ſeventy three ponnds ſix ſhillings and eight pence reſidue to the proper uſe of him the ſaid *W.* and the ſaid *I* thereof in mercy, &c. And likewiſe the ſaid *W.* who as well &c. for his falſe plaint againſt the ſaid *I.* for the reſidue of the Debt aforeſaid, whereof the ſaid *I.* by the jurors aforeſaid is above acquitted, and the ſayd *I.* may go thereof without day, &c.

Pye againſt *Bartlet*, *Trin.* 18, *Jac. rot:* 1782: Afterwards, &c. and becauſe the ſaid *Plaintiff* who as well, &c. did not inform the Court here of a greater number then of the number of twenty waighes of Cheeſe, of the price of every waigh thereof of forty ſhillings in the Information aforeſaid above contained: And becauſe it appeareth to the Court here the ſaid *Defendant* by the Jurors aforeſaid to be found guilty of the ingroſſing of forty waighes of Cheeſe, of the price of every waigh thereof ſixteen ſhillings; therefore twenty waighes of Cheeſe of the ſaid forty waighes of Cheeſe being deducted and allowed: It is conſidered that the ſayd *Plaintiffe* who as well, &c. may recover againſt the ſaid *Defendant*, as well for the ſaid Lord the King as for himſelf, ſixteen pounds for the value of the twenty waighes of cheeſe by the Jurors aforeſaid above found by him the ſayd *Defendant* by force of the ſtatute aforeſaid forfeited; and that the ſaid *Defendant* may have impriſonment of his body by the ſpace of two months, without Baile or Main-prize, and the ſaid *Defendant* thereof in mercy, &c.

An allowance where the Jurors find more then is contained in the information for ingroſſing of Cheeſe.

&c. And likewiſe the ſaid *Plaintiffe* who as well, &c: in mercy for his falſe plaint againſt the ſaid *Defendant* for the reſidue of the Premiſſes in the Information aforeſaid contained &c. whereof by the jurors, *&c.*

Upon the Statute of Vſury.

M. 20. *Jac. rot.* 733. Afterwards, &c. Therefore it is conſidered that the ſaid now Lord the King: and the ſaid *G.* who as well &c. may recover againſt the ſaid *I.* the ſaid 163 *l.* 1 *s.* by him the ſaid *I.* by force of the Statute aforeſaid forfeited, whereof the ſaid now Lord the King may have 81 *l.* 10 *s:* 6 *d.* for his moyety: And the ſaid *G.* who as well, *&c.* may have the other 81 *l.* 10 *s.* 6 *d.* for his moyety according to the forme of the Statute aforeſaid; And the ſaid *I* be taken, *&c.*

Trin. 5. *Car. rot.* 1375. Coſts and charges upon a nonſuit againſt an Informer upon this Statute.

Upon the Statute of Non reſidence, part for the Plaintiffe, and part for the Defendant.

P. 5. Car. rot. 1310. *Afterwards, &c. Therefore it is conſidered that the ſaid &c. (as above) may recover againſt the ſaid S. the ſaid* 20 l. *which by the Jurors aforeſaid*

ſaid it is found him the ſaid S. to the ſaid now Lord the King, and to the ſaid I. who as well, &c, by force of the Statute aforeſaid to have forfeited and to owe, whereof the ſaid now Lord the King may have tenne pounds for his moyety: And the ſaid I. who as well, &c. the other 10 l. for his moyety, according to the forme of the Statute aforeſaid: And the ſaid Defendant in mercy, &c. And likewiſe the ſaid I. who as well, &c. (as above)

A Nonſuit for the Defendant being a Conſtable, and double damages.

TRin. 8. Car. rot. 405. At which day the Jurors, &c. Therefore it is conſidered that the ſaid Plaintiff and his pledges of proſecuting may be in mercy: Inquire, &c. (as in others) It is alſo conſidered that the ſaid Defendants may recover againſt the ſaid Plaintiff the ſaid 8 l. for his coſts and charges aforeſaid, by the Juſtices aforeſaid, at the Aſſizes in forme aforeſaid aſſeſſed, according to the forme of the Statute, in ſuch caſe thereof publiſhed and provided, &c. for the Conſtable and double damages, the like for the Overſeer of the poore, Trin. 13. Car. rot. 1753.

After-

Nonſuit for the Defendant at the Aſſizes upon an Information.

AFterwards the proceeſſe continued between the ſame Lord the King and the ſaid *John* by the Jurors thereof reſpited, between the ſaid Lord the King and the ſaid *I.* here untill at this day, (that is to ſay) from the day of *Eaſter* in fifteen dayes, in the third yeare of the Raign of the now Lord the King; And now here at this day cometh as well the ſaid *Robert Heath* Knight, Attorney Generall of the ſaid now Lord the King, who as well, &c: in his proper Perſon, as the ſaid *I.* by his Attorney aforeſaid; And the Jurors of that Jury being called likewiſe come, whereupon the ſaid Attorney Generall of the ſaid now Lord the King for the ſame Lord the King giveth the Court here to underſtand, that no body cometh on the behalf of him the ſaid Lord the King, further to inform him in the premiſſes, and that no evidence further to charge him the ſaid *I.* of the premiſſes in the Declaration aforeſaid above ſpecified, and in the iſſue aforeſaid, as aforeſaid above put on the behalfe of the ſaid Lord the King here in Court is given or ſpoken. Therefore the ſaid *I* may goe thereof without day, the right

right of the Lord the King being ſaved, when at another time he ſhall ſpeake thereof. *P. 2. Car. rot.* 640.

J*B:* who brought a Writ of the Lord the King againſt *W. M.* late of *A. &c:* of a plea of Treſpaſs, hath not proſecuted his Writ aforeſaid. Therefore it is conſidered that the ſaid *I.* and his pledges of proſecuting may be in mercy, &c: Inquire the names &c. (as in others.)

H*ill.* 10 *Car: rot.* 1354. A Nonſuit upon *Scire facias.* *Nonſuit upon a* Scire Facias.

Raviſhment of Gard.

M. 9. *Jac. rot.* 2889. Afterwards &c. Therefore it is conſidered that the ſaid Plaintiffe may recover againſt the ſaid Defendant the ſaid 20 *l.* for the value of the marriage of the heir aforeſaid, in the caſe in which that heir ſhall be married before he ſhall be reſtored to the ſaid Plaintiffe. And his damages aforeſaid to o——o which ſaid damages beſides the value aforeſaid in the whole do amount *Judgment for the Plaintiffe to recover the value of the marriage if &c. and damages.*

amount to o———o and the ſaid *Defendant* may be taken, *&c.* Afterwards (thatis to ſay) the twenty firſt day of *November* next following cometh here in Court the ſaid *Plaintiffe* by his Attorney aforeſaid, that the ſaid twenty pounds is ſatisfied to him for the value of the marriage aforeſaid, and of the damages aforeſaid: Therefore the ſaid *Defendant* of the value and damages aforeſaid is acquitted *&c.*

Satisfaction acknowledged. Judgment for the value and damages if married, if not, damages only to be recovered.

TIo.*E.*6.*rot.*528. The Jurors ſay upon their oath, that the ſaid *Lawrence E.* the ſayd (ſuch a day and year) was within the age of fourteen years as the ſaid *Plaintiffe* hath above alleadged, and they aſſeſſe the Damages of the ſaid *Plaintiff* by the occaſion aforeſaid, beſides his coſts and charges by him about his ſuit in this behalf layd out, if the ſayd *Lawrence* ſhall be reſtored to the ſayd *Plaintiff* unmarried to fifty ſhillings, and if the ſame *L.* ſhall be married before, he ſhall be reſtored to the ſayd Plaintiffe: Then the ſaid Jurors aſſeſſe the damages of the ſaid Plaintiff by occaſion aforeſaid beſides his coſts and charges by him about his ſuit in this behalfe laid out for the

the value of the marriage of the ſaid *L:* according to the true value of the ſame to 10 *l.* and for thoſe coſts and charges to 10 *s.* Therefore it is conſidered that the ſaid Plaintiffe may recover againſt the ſaid Defendant his damages aforeſaid by the occaſion aforeſaid to 5 *s.* if the ſaid *L* ſhall be reſtored to the ſaid Plaintiffe unmarried, and if the ſaid *L:* be married, &c. before the ſaid Plaintiffe have her againe for the value of the marriage of the ſaid *L* beſides his coſts and charges by him about his Suit in this behalfe laid out to 10 *l.* And for thoſe coſts and charges to 10 *s.* and alſo 70 *s:* to the ſaid Plaintiffe at his requeſt, &c: which ſaid damages in the whole do amount to 4 *l.* And the ſaid Defendant be taken, &c.

Prohibition.

Judgment upon a non-ſuit at the Aſſizes, and a Writ of conſultation awarded.

Naylor and *Savyle* againſt *Thornehill* who, &c. *H.* 8. *Car. rot.* 1769 *Oct: Par:* The *venire facias* continued untill in the morrow of the *Holy Trinity*; At which day the Jury, &c: Unleſſe, &c. and now here at this day cometh the ſaid Defendant

dants by his Attorney aforeſaid: And the ſaid Juſtices, &c. afterwards, &c. Therefore it is conſidered that the ſaid *T.* who as well, &c. and his pledges of proſecuting may be in mercy: Inquire the names of the pledges, &c. And the ſaid Defendant may go thereof without day, &c: It is alſo conſidered that the ſaid Defendants may have the Writ of the Lord the King of Conſultation, of and upon the premiſes to be directed to venerable and famous man *W. E.* Doctor of the Law of the———Court of the Conſiſtory of *York*, or to his principall Officiall, lawfully appointed or Surragate, or other competent Judge whatſoever, whereupon by the writ of Conſultation of the Lord the King, it is commanded to the ſaid ſpirituall Judge, that in the cauſe aforeſaid between the parties aforeſaid with what ſpeed he may, according to the Eccleſiaſticall Rights he may proceed the ſaid Writ of *Prohibition* of the ſaid Lord the King to him in forme aforeſaid before to the contrary directed notwithſtanding, &c.

M. 8. *Car. ro.* 1359. Afterwards and (that is to ſay) the 28 day of *November* in the 9th. yeare of the Raigne of the now Lord the King of *England* cometh here in Court the ſaid *M. T.* by *H. M.* her Attorney, And prayeth the Writ of Conſultation of the Lord the King, as to the ſaid Tythes of Hony and Wax of and out of the Bees of the aforeſaid *H C:* in his Garden within the Pariſh aforeſaid, and bounds, limits, and tythable places of that Pariſh had, kept, and ſprung, renewing, increaſing, and happening in the yeares and Moneths aforeſaid to the venerable, &c. (as above) whatſoever to be directed, for that that the ſaid *H.* within ſix moneths next after the granting of the prohibition aforeſaid his ſuggeſtion aforeſaid, as to the Tythes aforeſaid of the Hony and Wax aforeſaid with ſufficient witneſſes according to the forme of the Statute aforeſaid hath not proved; whereupon for that it manifeſtly appeareth to the Court here, that the ſaid *H.* within ſix moneths after the ſaid 28 day of *November* in the 8th: yeare of the Raign of the ſaid now Lord the King his ſuggeſtion aforeſaid, as to the ſaid

A Writ of conſultation awarded for that the plaintiffe did not prove his ſuggeſtion, within ſix moneths, and double coſts for the Defendant.

Tythes of the Hony and Wax aforeſaid, with credible witneſſes according to the forme of the Statute aforeſaid hath not proved, by the Writ of Conſultation of the ſaid Lord the King, it is commanded to the ſaid ſpirituall Judge, that in the cauſe aforſaid between the ſaid parties, as to the ſaid Tythes of the Hony and Wax aforeſaid with what ſpeed he can, according to the Eccleſiaſticall rights ſhould proceed the ſaid Writ of Prohibition of the ſaid Lord the King, to him in forme aforeſaid before to the contrary directed in any wiſe notwithſtanding. And moreover according to the forme of the Statute aforeſaid, the Juſtices here aſſeſſe, for the coſts and charges of her the ſaid *M T.* which ſhe hath ſuſtained by occaſion of the proſecution of the ſaid Writ of the ſaid Lord the King of Prohibition as to the ſaid Tythes of the Hony and Wax aforeſaid, beſides her damages to 40 *s.* and for thoſe damages to 10 *s.* which ſaid coſts, charges and damages, being doubled according to the forme of that Statute, in the whole doe amount to 100 *s.* &c.

Trin.

Judgement for the Plaintiffe to be acquitted from his Reparations of a Church upon an iſſue concerning the bound of the Pariſh.

TRin. 10 *Car. rot.* 1304. At which day the Jury, &c. Unleſſe, &c. And now, &c who as well, &c. by their Attorneys aforeſaid: And becauſe the Juſtices, &c. Afterwards, &c. Therefore it is conſidered o——o that the ſaid *W.* ſhall have no Writ of Conſultation of the ſaid Lord the King in this behalfe; and that the ſaid *I.* who as well, &c. of whatſoever reparations of the Church of *R.* aforeſaid taxed be acquitted, &c. And the ſaid *W.* in mercy, &c. And likewiſe the ſnid *I.* who as well, &c. in mercy for his falſe plaint againſt the ſaid *W.* of the reſidue of the Treſpaſſe and contempt, whereof the ſaid *W.* by the Jurors aforſaid is above acquitted; And the ſaid *W.* may go thereof without day, &c. If it be for Tythes, thus, And that the ſaid *I.* who as well, &c. of the Tythes aforeſaid in the aforeſaid Chriſtian Court in forme aforeſaid required be acquitted, &c. And the ſaid *W.* in mercy, &c. and likewiſe, &c:

A Writ of conſultation awarded for that the Plaintiffe failed to prove his ſuggeſtion.

AFterwards (that is to ſay) the 8th. day of *May* in the 9th. yeare of the Raign of the Lord *Charles* now King of *England*, cometh here in Court the ſaid *G. H.* by

I. D. his Attorney. And prayeth the Writ of Conſultation of the Lord the King, of and upon the premiſes to him to be adjudged, for that that it appeareth to the Court here by the aforeſaid Depoſitions of the ſaid *L. B.* and *M H.* the witneſſes aforeſaid brought here in Court to prove the ſuggeſtion aforeſaid between the parties aforeſaid, that the aforeſaid Tythes of the Meſſuage and lands aforeſaid in that ſuggeſtion mentioned, were not paid to the Vicar of the Pariſh-Church of *M.* aforeſaid, nor any compoſition was made with the Vicar for the ſame, during the time in the ſuggeſtion aforeſaid mentioned. And ſo the cognizance of the cauſe aforeſaid belongeth to the Eccleſiaſticall Court, and in Court here ought not to be determined and diſcuſſed, *&c.* whereupon the premiſſes being ſeen, and by the Court here fully underſtood, it ſeemeth to the ſame Juſtices here, that the cognizance of the cauſe aforeſaid in the aforeſaid ſuggeſtion of the ſaid *R D.* contained, belongeth to the Eccleſiaſticall Court. And in Court here ought not to be determined and diſcuſſed, for that that it appeareth to the Court here by the ſaid Depoſitions of the

the ſaid *L B* and *M H* the teſtimony aforeſaid brought here in Court to prove the ſuggeſtion aforeſaid, between the parties aforeſaid, that the ſaid Tythes of the Meſſuage and lands aforeſaid in that ſuggeſtion mentioned were not paid to the ſaid Vicar of the Pariſh Church of *M.* aforeſaid, nor any Compoſition was made with the ſaid Vicar for the ſame, during the time in the ſuggeſtion aforeſaid mentioned, as the ſaid S. hath above alleaged. Therefore it is commanded to the ſaid ſpirituall Judge, that in the Cauſe aforeſaid, between the parties aforeſaid, with what ſpeed he can, according to the Eccleſiaſticall rights, he may proceed the ſaid Writ of Prohibition of the ſaid Lord the King to him in forme aforeſaid above to the contrary directed, in any wiſe notwithſtanding, &c.

Judgement for the plaintiffe for part & the reſidue for the Defendant, & a writ of conſultation awarded.

T*Rin.* 8 *Car. rot.* 250. Therefore it is conſidered that the ſaid Defendant as to the aforeſaid Tythes, of and out of the ſaid Meſſuage called *L.* and 40 acres of Meadow and Paſture of the Meſuage aforeſaid with the appurtenances belonging in the moneth and yeares aforeſaid, increaſing, renewing, coming forth, and

happening above required may have no Writ of Conſultation of the ſaid Lord the King thereupon: And that the ſaid Plaintiffe who as well, *&c.* of the ſaid Tythes in the ſaid Chriſtian Court in forme aforeſaid required, may be acquitted, &c. And the ſaid Defendant thereof in mercy, &c. And likewiſe the ſayd Plaintiffe who as well, &c. in mercy, &c. for his falſe plaint as to the reſidue of the Treſpaſſe and contempt aforeſaid, and the ſayd Tythes, of and out of the Tenements aforeſaid with the appurtenances in *W.* aforeſaid, in the moneths and years aforeſaid increaſing, growing, renewing and happening above required, whereof the ſaid Defendant by the Jurors aforeſaid is above acquitted: And the ſaid Defendant may go thereof without day, *&c.* And that the ſaid Defendant may have a Writ of the ſaid Lord the King of Conſultation for the ſame Tythes, of and out of the Tenements aforeſaid with the appurtenances in the moneths and years, increaſing, growing, renewing, and happening above required to the ſaid Venerable *&c.* to be directed, and it is commanded to the ſaid ſpirituall Judge, *&c.* (as above) *Therefore*

THerefore it is conſidered that the ſaid Plaintiffe who as well, &c. take nothing by his Writ, &c. (as in others) without day, &c. And it is alſo conſidered that the ſaid Defendant may have a Writ of Conſultation of the ſaid Lord the King, of and upon the premiſſes to the ſaid Venerable, &c. to be directed; whereupon by the Writ of Conſultation of the ſaid Lord the King, it is commanded the ſaid Spirituall Judge that, &c. (as above, &c.)

Judgement upon a verdict for the Defendant.

TRin: 9 *Car. rot:* 336. At which day here cometh as well the ſaid *W.* who as well, *&c.* as the ſaid *T.* by their Artorneys aforeſaid: And becauſe the Juſtices here will adviſe themſelves of and upon the premiſes as to this; whereupon the parties aforeſaid have above put themſelves into the Judgment of the Court; before Judgment thereupon be rendered, a day is further given to the parties aforeſaid here untill in the morrow of the *Holy Trinity* of Hearing. *&c.* And as to the trying of the Iſſue aforeſaid, between the parties aforeſaid, above joyned, to be tryed by the Country, the Sheriffe on the ſaid 15 dayes of *E.* doth not ſend the Writ. Therefore as before

Continuance of the Demurrer for part, & the iſſue for the reſidue after, and the Plaintiffe will not proſecute the iſſue, and Judgement for the Defendant.

it is commanded to the Sheriffe, that he cauſe to come here on the aforeſaid morrow of the *Holy Trinity* 12 *&c.* to recognize in forme aforeſaid, *&c.* At which day here cometh as well the ſaid Plaintiff who as well, *&c.* as the ſaid Defendant by their Attorneys aforeſaid. And hereupon the ſaid *W.* who as well, *&c.* freely here in Court acknowledgeth that he will not further proſecute againſt the ſaid *T.* for the treſpaſſe and contempt aforeſaid; whereof the iſſue aforeſaid between the parties aforeſaid, is above joyned to be tryed by the Country, but wholly to proſecute againſt the ſaid *T* diſavoweth and refuſeth. Therefore the ſaid *T.* may go thereof without day, *&c.* But the ſame *W* who as well, &c. prayeth that the Juſtices hear their Judgment, of and upon the plea aforeſaid of the ſaid *T.* for the having of the ſaid Writ of Conſultation of the ſaid Lord the King, whereof the parties aforeſaid have above put themſelves into the judgment of the Court, thereof to render, whereupon the ſaid plea of the ſaid *T.* being ſeene for having of a Writ of Conſultation of the ſaid Lord the King, whereof the parties aforeſaid have above

bove put themſelves into the judgement of the Court. And by the Juſtices here fully underſtood, it ſeemeth to the ſame Juſtices here, that, that plea, in manner and forme aforeſaid pleaded, and the matter in the ſame contained are ſufficient in Law to obtain the Writ of Conſultation of the Lord the King in this behalfe to be had as the ſaid *T.* hath above thereof alleaged. Therefore it is conſidered, that the ſaid *W.* who as well, &c. take nothing by his Writ, &c. (as in others) for the Defendant in a Prohibition *verbatim*, untill theſe words, Venerable, &c. To whom all and ſingular the Spirituall and Eccleſiaſticall Juriſdiction as to the ſeat of the Biſhop of *York* doth fully pertaine the ſame ſeat then being vacant, &c. or other competent Judge whatſoever in that behalfe to be directed whereupon, &c. (as in others.)

Judgement for the Defendant, & a writ of conſultation awarded after a Demurrer to the Declaration.

P. 4. *rot.* 1454. At which day here cometh as well the ſaid Plaintiffe who as well, &c. as the ſaid Defendants by their Attorneys aforeſaid.

And

And hereupon the Declaration being read, heard and underſtood by the Juſtices here, to the ſame Juſtices here it ſufficiently appeareth, that the Declaration aforeſaid in manner and forme aforeſaid made and declared, and the matter in the ſame contained, is inſufficient in Law to maintaine the prohibition aforeſaid, in forme aforeſaid granted to be had. Therefore it is conſidered, that the ſaid Defendant may go thereof without day, &c. It is alſo conſidered that the ſaid Defendant may have a Writ of Conſultation of the Lord the King, (as in others.)

Partition.

M. 7: *Car. rot.* 396. And now here at this day cometh as well the ſaid Plaintiff as the ſaid Defendant, by their Attornys aforeſaid, and the ſaid Juſtices, &c. afterwards, &c. Therefore it is conſidered, that Partition of the Tenements and the Free-warren aforeſaid with the appurtenances betweene him the ſaid Plaintiffe and the ſaid Defendant be made. Therefore it is commanded to the Sheriff

Sheriffe, that in his proper perſon he go to the Tenements and Free-warren aforeſaid with the Appurtenances, and in the preſence of the parties aforeſaid by the ſaid Sheriff to be warned if they will be preſent, the ſame Tenements and Free-warren with the appurtenances, by the oath of honeſt and lawfull men of the County aforeſaid, having reſpect to the true value of the ſaid Tenements and Free-warren aforeſaid with the appurtenances in two equall parts to be parted; and one moiety, thereof to the ſaid Plaintiffe, and the other moiety, reſidue thereof to the ſaid Defendant, to hold to them in ſeveralty, he cauſe to be delivered and aſſigned, ſo that neither the ſaid Plaintiff nor the ſaid Defendant have more of the Tenements and Free-warren aforeſaid with the appurtenances then to them belongeth to have: And that the ſaid Plaintiffe his ſaid moiety belonging to him the ſaid *P.* of the Tenements and Free-warren aforeſaid with the appurtenances, and the ſaid *D.* his ſaid other moiety, belonging to him the ſaid *D.* may ſeverally hold to themſelves. And that Partition by it ſelfe diſtinctly and openly ſo made, he have

ſame here from the Day of the *Holy Trinity* in three weekes, under the Seale, &c. And the Seales, &c. The ſame day is given to the parties aforeſaid here, &c:

At which day here cometh as well the ſaid Plaintiffe as the ſaid Defendant by their Attorneys aforeſaid. And the Sheriffe (that is to ſay) *A B.* Eſquire, now returned here a certaine Partition between the parties aforeſaid, of the Tenements and Free-warren aforeſaid, with the Appurtenances by him the ſaid Sheriffe, and before him, by vertue of the Writ aforeſaid, and according to the forme o the ſame Writ, by the Oath of Twelve, *&c.* made which followeth in theſe words. *Norff.* ſſ. *I. A. B.* Eſquire, &c. and ſo recite the whole returne *verbatim*, the day and yeare above ſaid. Therefore it is conſidered, that that the Partition aforeſaid he held firme, and ſhall be firme and ſtable for ever, *&c.*

Judgement where part is found for the Plaintiffe part for the Defendant.

H 2. *Car. rot.* 715. Afterwards, *&c.* Therefore it is conſidered that the Partition between her the ſaid

E. and *I.* and the ſayd *T.* of the ſaid Meſſuage and forty acres of Land with the Appurtenances in *B.* aforeſaid, be made, &c: and the ſayd *T.* thereof in mercy, &c. and likewiſe the ſaid *E.* and *I.* in mercy for their falſe plaint againſt the ſaid *T.* as to the reſidue of the Tenements aforeſaid with the Appurtenances whereof by the Jurors aforeſaid it is above found the ſaid *T.* not to hold together and undivided, and the ſayd *T.* may go thereof without day, *&c.*

And it is Commanded to the Sheriffe that in his proper perſon hee goe to the ſaid meſſuage and forty acres of Land with the appurtenances in *B.* aforeſaid and in the preſence (as above untill theſe words) by equall parts to be parted., and one moyety of the ſaid meſſuage and forty acres of Land with the appurtenances to the ſayd *T:* and *I:* in the Right of her the ſaid *I:* for the term of the life of her the ſaid *I:* and the other moyety, reſidue thereof to the ſayd, *T:* &c: (as above) and that the ſayd *E:* and *I:* their Moyety aforeſayd to him the ſaid

ſaid *E.* and *I.* for Term of the life of her the ſaid *I.* of the meſſuage and forty acres of Land with the Appurtenances, *&c.* (as above.)

Judgment upon a demurrer that partition ſhall be made.

P 12. *H.*8.*rot.*352. whereupon the premiſſes being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the ſaid Juſtices here, that the plea of the ſayd *D.* above in bar of the Action aforeſaid pleaded, is inſufficient in Law to exclude the ſayd *P.* from her Action aforeſaid againſt the ſayd *D.* in form aforeſaid to be had, and that the ſaid Partition of, *&c.* between the ſaid *P.* and the ſaid *D.* according to the Law and cuſtom of the Kingdome of the Lord the King of *England*, ought to be made, &c. Therefore it is commanded to the Sheriff, that taking with him, twelve, *&c.*

Quare Impedit.

Judgement for the plaintiffe and a writ directed to the Ordinary to admit the plaintiff to preſent.

H 30 *H.* 8. *rot.* 558. Therefore it is conſidered that the ſaid *Plaintiff* recover againſt the ſaid *Defendant* his preſentation to the Church aforeſaid, and it is to be known that the ſaid now Biſhop of

of *E.* formerly in the Court of the King here recovered his preſentation to the Church aforeſaid, againſt the ſaid now Biſhop of *N.* by default of him the ſaid now Biſhop, as it appeareth in the Term of St. *Mich.* in the thirtieth year of the Raign of the now Lord the King, *rot.* —— therefore the ſaid now Biſhop of *E.* may have the Writ to the ſaid now Biſhop of *N.* of that Church to the Ordinary, *&c.* that notwithſtanding the Revocation of him the ſaid now Biſhop of *N:* and of the ſaid *I.* he admit a fit perſon to the Church aforeſaid, at the preſentation of the ſaid *P.* and the ſaid *D.* in mercy, *&c.*

Judgment upon a demurrer for the plaintiff.

Paſc. 18. *Eliz. rot.* 1111. In the moneth of St. *Mich.* At which day here cometh as well the ſaid *G. Gerrard*, who &c: in his proper perſon, as the ſayd *F. Coxe* by his Attorney aforeſaid, and hereupon the plea of the ſaid *F:* above in barre pleaded being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the ſaid Juſtices here, that that plea in manner and form aforeſaid pleaded, and the matter in the ſame contained, are inſufficient in law to preclude the ſaid now Lady the Queen, from having her Action aforeſaid againſt

againſt the ſaid *F.* Therefore it is conſidered the ſaid Lady the Queen recover againſt the ſaid *F.* her preſentation of the ſaid Vicarage of the ſaid Church of *B.* And that he have a Writ to the ſaid *Biſhop*, that notwithſtanding the Revocation of him the ſaid *Biſhop* and the ſaid *F.* although the ſaid *F.* to the ſaid Vicarage is admitted, Inſtituted and inducted him the ſaid *F.* from the ſaid Vicarage he may amove. And admit a fit perſon to the ſaid Vicarage at the preſentation of the ſaid Lady the Queen, and the ſaid *F.* in mercy, *&c.*

Verdict & Judgement in a Quare impedit *at the Aſſizes.*

THe Jurors ſay upon their Oath, that the within written Geo. Mogridge *did not appoint the within written* Hugh Boxough *his Executor as the ſaid* E. Pike and Nicholas King *within, have alleaged. And hereupon the Jurors aforeſaid being inquired, whether the Church of* Wilden *within written be full or not. And if it be full then, by whoſe preſentation the ſame Church is full, and how much time hath elapſed from the time in which that Church began to be vacant, and how much the Church aforeſaid is worth by the yeare, according to the true value of the ſame in iſſues, beſides repriſes they alſo ſay*

upon

upon their Oath that the ſaid Church of W. began to be vacant the 16 *day of* June *in the* 2 *and* 3 *years of the Raignes of the now King and Queen by the death of* R. Kirby *the laſt Incumbent of the ſame Church: And that the Church aforeſaid is now ſupplyed of the ſaid* Nicholas King, *out of the preſentation of the ſaid* E. P. *and of him the ſaid* N. *was ſupplyed the* 16 *day of* September *in the* 3 *and* 4 *yeares of the Raignes of the King and Queen. And that the Church aforeſaid is worth by the year in all iſſues beſides reprizes* 30 *l.*

AND hereupon the ſaid *T. Lucy* now Plaintiff, according to the forme of the Statute, &c, at the ſaid Aſſizes prayeth Judgment, of and upon the premiſes and his damages to the value of that Church for halfe a yeare. And the Writ of the Lord the King, and the Queen to the within named *Cardinall* of *Canterbury* to the Archbiſhop of the whole Biſhoprick, Primate and Metropolitan, to be directed to move the ſaid *N. K.* and to admit a fit parſon to the ſame Church of *W:* at the preſentation of the ſaid *T Lucy* now Plaintiff. Therefore it is conſidered by the ſaid Juſtices at the Aſſizes,

that the ſaid *T. L.* now Plaintiffe recover againſt the ſaid *E Pike* and *N King* his preſentation to the Church aforeſaid, and his damages to the value of that Church for halfe a year, which doth amount to 15 *l.* by the Jurors aforeſaid in forme aforeſaid aſſeſſed; And becauſe formerly in the Court of the Bench at *Weſtminſter*, it was adjudged that the ſaid *TL.* now Plaintiff ſhould recover his preſentation to that Church againſt the within written Biſhop and *Hugh*: And that he ſhould have a Writ to *R. Pole* Cardinall of *Canterbury*, to the Archbiſhop, &c. of the place aforeſaid the Metropolitan ſeat of the Biſhoprick of *Lincoln*, now being vacant, that not withſtanding, the Revocation of the ſaid Biſhop and *Hugh*, he ſhould admit a fit parſon to the Church aforeſaid at the preſentation of the ſaid *T: Lucy*. Nevertheleſs the execution thereof may ceaſe, untill the plea aforeſaid, between him the ſaid *T L* and the ſaid *E. P.* and *N:* be determined, as it appeareth in this ſame Record. Therefore the ſaid *T. L.* now Plaintiffe, may have a Writ to the ſaid Cardinall, &c. That notwithſtanding, as well the revocation of the ſaid Biſhop and *H B.* as the revocation

revocation of the ſaid *E P* and *N K*: although the ſaid *N K* to the Church aforeſaid, be admitted, inſtituted and inducted, the ſame *N K* from the ſame Church, he may move and admit a fit parſon to the Church aforeſaid at the preſentation of the ſaid *T L* now plaintiff &c. And the ſaid *E P* and *N K*. in mercy, &c.

Replevin.

Trin. 9. Car. rot. 1360: At which day the Jurors, &c. and unleſſe, &c. And now here at this day cometh as well the ſaid Plaintiff by his Attorney aforeſaid, &c: and the ſaid Juſtices, &c, Afterwards, &c. Therefore no reſpecting being had to the damages and coſts aforeſaid upon the iſſue aforeſaid, between the ſaid Plaintiffe and the ſaid *R. White* joyned by the Jurors aforeſaid found. It is conſidered that the ſaid Plaintiffe recover againſt the ſaid *W D.* his damages aforeſaid to 53 *s.* and 10 *d.* by the Jurors, &c. And alſo 7 *l.* 6 *s:* and 2 *d.* to the ſame plaintiffe, at the requeſt &c. which ſaid damages in the whole,

Judgement for the plaintiffe for part & the reſidue for the Defendant, and coſts waived be given againſt Law

do amonnt to 10 *l.* And the ſaid *N.* thereofin mercy, &c. And alſo the ſaid Plaintiffe in mercy for his falſe plaint againſt the ſaid *R: W.* for that the ſame *R:* from the cattell aforeſaid, by the Jurors aforeſaid is above acquitted: And the ſaid *R:* may go thereof without day &c: And nothing of the coſts and damages aforeſaid, for the ſame *R.* in forme aforeſaid found, becauſe ſuch like damages and coſts by the Law of the Land in ſuch caſe in no wiſe are to be adjudged, &c.

Venire facias *continued and Judgement for the Defendant. and a* Return. Habend. *awarded & damages.*

H. 8. *Car. rot.* 2202: In eight dayes of the Purification, &c. At which day here cometh as well, &c: as &c. by their Attorneys aforeſaid. And the Sheriff did not ſend the Writ. Therefore as before it is commanded to the Sheriff that he cauſe to come here from the day of *Eaſter* in 15 dayes 12 &c: to recognize in forme aforeſaid, &c. At which day, &c. untill the morrow of the *Holy Trinity* 12 &c. to recognize in forme aforeſaid, &c: at which day the Jury, &c. afterwards &c. Therefore it is conſidered that the ſaid Plaintiff and his pledges of proſecuting may be in mercy, &c. Inquire the

names

names of the pledges, &c. and that the ſaid Defendant may go thereof without day, &c. And that he may have returne of the Gelding aforeſaid, and as, &c. the Sheriff make manifeſt here in eight daies of the *Purification*, &c. It is alſo conſidered that the Defendant recover againſt the ſaid Plaintiffe his damages aforeſaid to 40 *s*: and 2 *d*. by the Jurors, *&c.* and alſo 7 *l*: 19 *s*. and 11 *d*. to the ſaid Defendant, at the requeſt, *&c.* damages in the whole to 10 *l*: damages 2*d*. coſts 40 *s*.

The Sherif returneth the cattell cloyned upon a Return. Habend. *and the Writ of* Inquiry *executed and Judgment thereupon, and a capias in* Withernam, *and an Attachment awarded againſt the Plaintiffe.*

TRin. 9. *Car. rot.* 757: In eight daies of Saint *Mich. Teſte* 9th. of *June*. At which day here cometh the ſaid *G.* by his Attorney aforeſaid: And as to the Writ of *Return. Habend., &c.* the Sheriffe (to wit) *T S* Eſquire now returneth that before the coming of the Writ aforeſaid to him directed the Cattel aforeſaid were by the ſaid *I* eloyned to places to him unknown, ſo that thoſe cattell to the ſaid *G.* he could not cauſe to be returned as by the Writ aforeſaid, to him it was commanded, *&c:* and as to the aforeſaid Writ of Inquiry of damages *&c.* the ſame Sheriff alſo returned here

A certaine Inquiſition before him at *C* in the County aforeſaid, the ſaid third day of *Octob.* laſt paſt by the Oath of 12 *&c.* by vertue of the Writ aforeſaid taken by which it is found, that the ſaid *G.* ſuſtained damages by occaſion of the premiſes beſides his coſts to 30 *s.* And for thoſe coſts and charges to 4 *d.* Therefore it is conſidered that the ſaid *G:* recover againſt the ſaid *I.* his damages aforeſaid to 30 *s.* and 4 *d.* by the Inquiſition, *&c.* And alſo 4 *l.* 19 *s.* and 8 *d.* to the ſaid *G:* at his requeſt, *&c.* which ſaid damages in the whole do amount to 6 *l.* *&c.* And hereupon it is commanded to the Sheriff, that of other Cattell of the ſaid *I* he take to the value of the cattell aforeſaid, before taken into *Withernam*, and them to the ſaid *G* without delay he deliver to be detained to him untill the cattell aforeſaid before taken to the ſaid *G* ſhall be delivered And as, *&c.* The Sheriff make manifeſt here in the morrow of all *Soules*, and the ſaid *I* be attached, that he may be here at the ſaid Terme to anſwer as well the Lord the King, of the contempt, as the ſaid *G.* of the damages and injury to him in this behalfe don, &c.

Hil

Hill. 8. *Car. rot.* 2220. In fifteen dayes of *Easter*, At which day here cometh as well the ſaid *M.* as the ſaid *B.* by their Attorneys, *&c.* and becauſe the Juſtices here will further adviſe themſelves of and upon the premiſſes before they render Judgment thereof, a day is further given to the parties aforeſaid here untill in the morrow of the *Holy Trinity*, of hearing, &c. At which day here came as well the ſaid *M.* as the ſaid *B.* by their Attorneys aforeſaid, and hereupon the premiſſes being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the ſame Juſtices here, that the ſaid plea of the ſaid *M.* above in barr of the Avowry aforeſaid above pleaded, and the matters in the ſame contained, are ſufficient in Law to bar him the ſaid *B:* from the juſt avowing of the taking of the cattell aforeſaid, in the aforeſaid place in which, &c. to maintain as the ſaid *M.* hath above alleadged, for which the ſaid *M.* his damages aforeſaid, by occaſion of the taking and unjuſt detaining of the cattell aforeſaid againſt the ſaid *B.* ought to recover, but becauſe it is unknown what damages the ſaid *M:* ſuſtained by that occaſion:

Judgment for the plaintiff upon a demurrer, and a writ of enquiry awarded for detaining the Cattell.

Therefore it is commanded to the Sheriff that by the oath of honeſt and lawfull men of the county aforeſaid, he diligently enquire what damages the ſaid *M.* hath ſuſtained by occaſion of the taking and unjuſt detaining of the Cattell aforeſaid, as for his coſts, &c. and the Inquiſition which, *&c.* the Sherif make manifeſt here in the morrow of the purification, &c. under the the Seale, *&c.* and the Seales, *&c.*

Judgement for the defendant upon a demurrer, and a Return. Habend. and a writ of enquiry of damages awarded.

Trin: 9: Car: rot: 2658. In eight daies of Saint *Mich:* At which day here come, as well the ſaid *E:* as *&c:* by &c. and hereupon the premiſſes &c: it ſeemeth to the ſame Juſtices here, that the ſaid Avowry of theſayd *A:* of the taking of the Cattell aforeſaid above pleaded, and the matter in the ſame contained are ſufficient in Law to maintain him the ſayd *A.* juſtly to avow the taking of the Cattell aforeſaid, in the aforeſaid place in which &c: as the ſaid *E:* hath above alleadged, therefore it is conſidered that the ſaid *E* take nothing by his writ aforeſaid, but may be in mercy for his falſe plaint therof, &t he ſaid *A:* may go therof without day, &c: and may have return of

of the Cattell aforeſaid to be detained to to him irrepleviable for ever, and as &c. the Sheriff make manifeſt here in 8 daies, &c. & alſo the ſame *A.* by the ſtatute praieth the Writ of the Lord the King to enquire of the Damages, &c. and to him it is granted returnable here at the ſaid Term, *&c.*

Fine made to the King and ſupersedeas to the capias in Withernam awarded after bail put in.

Trin: 9: Car: rot: 757: Afterwards, (that is to ſay) the one and thirtieth day of *October*, in the ninth year of the raign of the now Lord the King, cometh here in Court the ſaid *John* by *N: C:* his Attorney, and prayeth to be admitted to make a fine with the Lord the King by occaſion of the premiſſes, & he is admitted, and is affered by the Juſtices here to two ſhillings and ſix pence, by the command of the Court here to be paid to *John Gulſton* Eſquire, one of the Prothonotaries of the Court of the Lord the King, of the Bench, for the neceſſary reparations of the ſaid Court to be made, therefore the ſame *I:* may go thereof without day, &c. and alſo the ſame *I:* in the ſame court here found pledges of new as well of proſecuting his plaint, as of the returning of the Cattell aforeſaid before

fore taken, to the ſaid *G*: or the price of the ſame if return thereof ſhould be adjudged (that is to ſay) *Edward Thornbury*, of &c: and *I*: *M.* of &c: under the penalty of both of them of ſix pounds, and the ſame *I.* by his Attorney aforeſaid putteth himſelf to declare againſt the ſaid *G.* of the plea aforeſaid, by which it is commanded to the Sherif by the court here, that from the taking of any Cattell of the ſaid *I.* by virtue of the writ of *Withernam* aforeſaid, or to the ſaid *G.* in any wiſe to deliver, and alſo of whatſoever other execution of the writ of *Withernam* to be made, he altogether *Superſede.* and if any cattell of the ſaid *I.* for that occaſion he had taken, then the ſame Cattell to the ſaid *I.* he ſhould redeliver in the perill enſuing, and in like manner, *&c.* the Sheriff make manifeſt here in eight dayes of Saint *Hillary*, *&c.* and that he put by ſureties and ſafe pledges, the ſaid *G.* that he be here at eight dayes of Saint *Hillary*, to anſwer the ſaid *I.* of the taking of the cattell aforeſaid, &c· the ſame day is given to the ſaid *I.* here, &.

At

AT which day here cometh the ſaid Detendant by his Attorney aforeſaid: And the Sheriff (that is to ſay, *W:H.* Eſquire now returneth here, that for the execution of the Writ aforeſaid to him directed, he commanded *John Hobart* Knight and Baronet Bailiff of the Liberty of the Lord the King of his Dukedome of *Lancaſter*, in the County aforeſaid, who hath the full returne of all Writs, and the execution of the ſame with the liberty aforeſaid, to whom the execution of the Writ aforeſaid, doth wholly belong to be made, for that that no execution of the Writ aforeſaid without the liberty aforeſaid in his Bailywick, could be made by him, which ſaid Baily to the ſaid Sheriff returned before the coming of the Writ aforeſaid, the Cattell, Goods and Chattells aforeſaid, by the ſaid Plaintiff were eloyned to places to the ſaid Bailiff unknown, ſo that the Cattel, Goods and Chattells aforeſaid to the ſaid Defendant he could not cauſe to be returned, as by the Warrant aforeſaid to him it was commanded, the ſame Bailife alſo returned to the ſame Sheriff a certaine Inquiſition taken before him at *F.* within the liberty

The return of a returnd Habend. *and a writ of Inquiry by the Bayliff of the Liberty, & a* non omittas, *and a* capias *awarded.*

Liberty aforeſaid in the County aforeſaid, the firſt day of *Octob.* laſt paſt, by the Oath of 12 &c. by vertue of the Warrant aforeſaid, by the Sheriff upon the Writ aforeſaid, to the ſaid Bayliff directed, by which it is found that the ſaid Defendant ſuſtained damages by occaſion of the premiſſes, beſides his coſts,&c: to——And for thoſe coſts and charges to——Therefore it is conſidered that the ſaid Defendant recover againſt the ſaid Plaintiff his damages aforeſaid to ——by the Inquiſition aforeſaid in forme aforeſaid found. And alſo——pounds to the ſaid Defendant at his requeſt for his coſts and charges aforeſaid by the Court here of increaſe adjudged, which ſaid damages in the whole do amount to &c: And hereupon it is commanded to the Sheriff that he do not omit, by reaſon of any liberty of the Dukedome of *Lancaſter* aforeſaid, but of other Cattell and goods, and chattells of the ſaid Plaintiff to the value of the cattel and goods aud chattells aforeſaid before taken into *Withernam* he take, and them to the ſaid Defendant deliver to be detained to him, untill the cattell and goods and chattels aforeſaid, before taken to the ſaid Plaintiffe

tiffe ſhall. And in like manner, &c: the Sherif make manifeſt here in, &c. as in the preſedent next before this.

Hill: 19. *Jac. rot.* 761: At which day here cometh the ſaid *A.* by his Attorney aforeſaid. And the Sherif (to wit) *F R.* now returneth here, that the ſaid *R.* hath no cattell in his Bailywick, to the value of the cattell aforeſaid before taken, which he could take into *Withernam*, nor hath any thing in his Bailywick, by which he could be attached. Therefore it is commanded to the ſaid *Rich.* that he take the ſaid *R.* if, &c. And him ſafely, &c. ſo that he may have his Body before here in 8 dayes of Saint *Michaell*, to anſwer the Lord the King, as well of the contempt, as the ſaid Plaintif of the damages and injuries to him in this behalfe done &c. At which day, here cometh the ſaid *A.* by his Attorney aforeſaid, and put himſelf the fourth day againſt the ſaid *R.* of the plea aforeſaid, and he came not, and the Sherife now returned that he is not found, &c. Therefore as before he may be taken, ſo that he may be here from the day of Saint *Michaell* in one Moneth, to anſwer in forme afore-

A nihil returned upon a capias in Withernam awarded, & alias & pluries awarded.

aforesaid, &c. At which day, &c. (as before) untill in 15 dayes of Saint *Martin* to answer in forme aforesaid, &c.

Capias in Withernam, *for part of a* capias *for the residue.*

HIll. 1 *Car. rot.* 1765. A *Capias* in *Withernam* returned for part, and a *Capias* awarded for the residue (as above.)

Upon a Scire Facias. *against the Sheriff for taking insufficient pledges.*

HIll. 21. *Jac. rot.* 2150 At which day the *Jury*, &c And now here at this day cometh as well the said Plaintiffe as the said Defendant by their Attorneys aforesaid: And the Jurors thereof impannelled, being called, likewise come who to say the truth of the premisses were elected, tryed, and sworn, say upon their Oath, that the said *R* and *R.* the time of the taking of the pledges aforesaid by him the said Defendant in forme aforesaid taken, were sufficient pledges to returne the said Cattell to the said Plaintiffe, or the price of the same, if the returne thereof to the said Plaintiffe should be adjudged to the said Plaintiffe to be rendered as the said Defendant hath above alleaged. Therefore it is considered that the said Plaintiffe take nothing by his Writ aforesaid, but may be in mercy for his false plaint thereof, and he

he ſaid Defendant may go thereof without day, &c.

One of the Defendants acquitted, and the reſt of the Defendants guilty.

Hill. 4 *Car. rot.* 2124. And now here at this day come as well the ſaid Plaintiff as, &c by their Attorneys aforeſaid. And the Jury thereof impannelled, likewiſe come who, &c. ſay that the ſaid *T B.* did not take the Cattell aforeſaid, as the ſaid *I B.* hath above alleaged, whereupon the Jurors aforeſaid being asked by the Court here what damages the ſaid *T B* ſuſtained by occaſion of the premiſſes, they ſay upon their Oath aforeſaid, that the ſaid *T B* hath ſuſtained damages by occaſion of the premiſes beſides his coſts, &c. to—And for thoſe coſts, &c. to—And further the Jurors aforeſaid ſay upon their Oath, that the ſaid *W* and *G.* did take the cattell aforeſaid, at *S.* in the aforeſaid place called *M.* as the ſaid Plaintiff hath above thereof alleaged. And they aſſeſſe the damages of the ſaid Plaintiffe by occaſion of the taking and unjuſt detaining of the Cattell aforeſaid, beſides his coſts, &c. to—And for thoſe coſts, &c. to ——as in the firſt Judgment in *Replevin.*

At

The Sheriff returned A writ of ſecond deliverance to the Return. habend.

AT which day here cometh the ſaid Plaintiffe by his Attorney aforeſaid: And as to the Writ of Return Habend. *the Sheriff to wit* A. B. *Eſquire now returneth, that he after the receipt of the Writ aforeſaid to him directed, and before the returne thereof The ſame Sheriff did receive another of the Lord the King of ſecond Deliverance to him directed to the ſame Writ annexed by which the execution of the writ aforeſaid, he could not make, as by that Writ to him it was commanded: And as to the ſaid Writ of Inquiry of damages, &c. he returned, &c.*

Avowry for Rent, and the Plaintiff replyed none arrear & Judgement thereupon.

PAſc. 39: Eliz. rot. 1259. Avowry for Rent arreare, the Plaintiffe replyed, That no Rent was arrear beſides 26 s. and 8 d. And as to that he offered the ſame, and the Avowant refuſed the ſame, and iſſue joyned upon the Offer, nnd the verdict is, that none of the Rent aforeſaid, except —— was behind and unpaid: And moreover that he did not offer it as, &c. And coſts and damages for the Defendant, and Judgment, that the Plaintiff take nothing by his Writ, but be in mercy for his falſe plaint thereof. And that the Defendant may go thereof without day. And that he may have returne of the Cattell aforeſaid

ſaid, as to the ſaid 26 s. *and* 8 d. *to be detained to him irrepleviable for ever. And in like manner, &c.*

Judgement for the Plaintiff upon a demurrer, & a writ of Inquiry awarded.

Aſch. 1652 *rot.* 326. The demurrer continued untill in three weeks of Saint *Mich.* And hereupon the premiſſes being ſeen and by the Juſtices here fully underſtood it ſeemeth to the Juſtices here, that the ſaid plea of the ſaid Defendant, in manner and forme aforeſaid pleaded, and the matter therein contained, are not ſufficient in Law to barr the ſaid Plaintiff from having a rendring of ſuch cattell aforeſaid, or the price of them to be made to them the ſaid *A* and *I.* by the ſaid Defendant, as the ſaid Plaintiffs have above alleaged. Therefore it is conſidered that the ſaid Defendant render ſo many cattell (namely 13——or the price of them for his default of taking pledges according to the forme of the Statute in this Caſe made and provided to the ſaid plaintiff in the name of returne of the ſaid cattell by them formerly taken, and by the ſaid Defendant conveyed away, according to the forme of the Statute, &c. But becauſe it is unknown what the ſaid cattell

the ſaid time of the taking of them were worth, the Sherif is commanded that by the oaths of honeſt and lawfull men of his Bailywick, he diligently inquire what the ſaid cattell the aforeſaid time of the taking thereof were worth, and if the ſaid Defendant ſhall not render to the ſaid Plaintif, cattell to the value of the ſaid cattell formerly taken, then the price of them by that Inquiſition to be found he cauſe to be made of the Lands and Chattells of the ſaid Defendant in his Bailywick, and that he have thoſe monies here, &c. To render to the ſaid Plaintiff in forme aforeſaid. And the Inquiſition which, &c. the Sherif make appear here, at the ſaid time under his Seale, and the Seales, *&c.*

Judgments in Actions of Treſpaſſe, upon the Caſe, and and Treſpaſſe, and Aſſault.

Judgement in treſpaſs part for the Plaintiff part for the Defendant.

HIll. 23. *Car. rot.* 382. Therefore it is conſidered that the ſaid plaintif recover againſt the ſaid Defendant his damages aforeſaid to 40 *s.* and 8 *d.*

8 *d.* by the Jurors, &c: And alſo 9 *l.* to the ſaid Plaintif at his requeſt, &c. damages in the whole to 11 *l.* and 6 *d.* And the ſaid Defendant may be taken, &c: And the ſaid Plaintif in mercy for his falſe plaint againſt the ſaid Defendant, for the reſidue of the Treſpaſſe aforeſaid, whereof the ſaid Defendant by the Jurors aforeſaid, is above acquitted. And the ſaid Defendant may go thereof without day, &c. And hereupon the ſaid Plaintif confeſſeth himſelfe here in Court not further to proſecute againſt the ſaid *N N.* of the plea aforeſaid, but further to proſecute againſt the ſaid *N N.* of and upon the plea aforeſaid doth wholly diſavow and refuſe, and the ſaid Plaintif may have execution againſt the ſaid Defendant, of the damages aforeſaid, &c.

The like in Treſpaſs & aſſault.

TRin. 23. *Car. rot.* 501: (as above) damages in the whole to 10 *l.* and the ſaid *R.* and *W.* may be taken, &c: And the ſaid Plaintif in mercy for his falſe clamor againſt the ſaid *R* and *W.* for the reſidue of the Treſpaſſe and aſſault aforeſaid, and againſt the ſaid *T:* for the whole treſpaſſe and aſſault aforeſaid, whereof

the ſaid *R W.* and *T.* by the Jurors aforeſaid, are above acquitted, & the ſaid *R W.* and *T.* may go thereof without day, *&c.*

Judgement againſt the Inhabitants upon the Statute of Hue and cry.

Trin: 28 *Car. rot.* 1473. Therefore it is conſidered that the ſaid Plaintif who as well, *&c.* recover againſt the ſaid men, Inhabiting in the Hundred of *D.* his damages aforeſaid to 10 *l. &c.* And alſo *&c.* damages in the whole, and the ſaid men inhabiting in the Hundred of *D.* in mercy, *&c.*

Judgement after a Verdict for the plaintiff, & damages increaſed, by the court upon ſight of the wounds.

Hill. 23 *Car. rot.* 864. Therefore it is conſidered that the ſaid Plaintif recover againſt the ſaid Defendant, his damages aforeſaid to 22 *l:* by the Jurors *&c.* and alſo, 13 *l.* to the ſaid Plaintif at his requeſt for his coſts and charges aforeſaid; and 46 *l.* 31 *s.* 8 *d:* upon the ſight of the wounds of the ſaid Plaintiff by the Court here of increaſe adjudged, which ſaid damages in the whole do amount to 81 *l.* 13 *s.* 8 *d.* and the ſaid Defendant may be taken, *&c.*

Judgement for the Plaintiff for part & part for the Dedant.

Hill. 13. *Jac. rot:* 2336: Therefore it is conſidered that the ſaid Plaintif, as to the aforeſaid Treſpaſſe in the aforeſaid Cloſe called the Garth of him the ſaid Plaintif above of new aſſigned above ſuppoſed to be done, may take nothing by

by his Writ aforeſaid, but may be in mercy for his falſe plaint thereof, and the ſaid Defendant may go thereof without day, *&c.* and hereupon the ſaid plaintif prayeth Judgment, and his damages aforeſaid, by occaſion of the Treſpaſſe aforeſaid, made in the ſaid ſeven acres of Meadow with the appurtenances of new aſſigned above acknowledged by the Jurors aforeſaid, in forme aforeſaid aſſeſſed together with his coſt of increaſe by occaſion of that treſpaſſe to him to be adjudged, *&c:* Therefore it is conſidered, that the ſaid Plaintif recover againſt the ſaid Defendant his damages aforeſaid by occaſion of the treſpaſſe aforeſaid in the ſaid 7 acres of Meadow with the appurtenances of new aſſigned made as in other Judgments.

The continuance of a venire facias in two Counties.

TUeſday after eight dayes of Saint *Martin.* At which day here came the parties, *&c.* And neither the aforeſaid Sherifs of *London*, nor the aforeſaid Sherif of the Town of *Southampton*, nor either of them, have ſent the Writs. Therefore as before it is commanded as well to the ſaid Sherifs of *London*, as to the ſaid Sherif of the Town of *Southampton*, that both of them cauſe to come here

on Wedneſday next, after eight daye s of Saint *Hillary*, twelve, *&c.* To recognize in forme aforeſaid, *& c:*

Judgement in Audita Querela *for reſtitution of goods and lands, and a writ of Inquiry & poſſeſſion awarded.*

E*After* 4. *Car. Roll.* 788. And now here at this day cometh the ſaid *A.* by his Attorney aforeſaid: And the chief juſtice *&c.* Afterwards, *&c.* Therefore it is conſidered, that the ſaid *B.* from having his execution againſt the ſaid *A.* by reaſon of the ſaid writing in nature of a Statute Staple as is before mentioned to be had, be precluded, and that the ſaid *A.* be thereof diſcharged. And that the ſaid Lands, Tenements and reverſions with their appurtenances by the ſaid *B.* in forme aforeſaid, and of the cauſe aforeſaid extended, and to the ſaid *B.* by the ſaid Sherif delivered, be redelivered to the ſaid *A.* And alſo that the ſaid *A.* to all his Goods and Chattells, and to the poſſeſſion of the Lands and Tenements aforeſaid with the appurtenances to the ſaid *B* in execution by pretext of the ſaid writing before mentioned extended appraiſed and in extent delivered, and alſo to the iſſues and profits of the Lands and tenements aforeſaid with the appurtenances, from the time of the delivery of the

the ſaid extent to the ſaid *B.* in forme aforeſaid be reſtored, but becauſe it is not known how much the goods and chattells aforeſaid are worth, and to how much the iſſue and profits of thoſe Lands and Tenements, and reverſions aforeſaid with the appurtenances, untill the day of giving of that Judgment, to wit in the morrow of the *Holy Trinity*, do extend unto. It is commanded to the Sheriff of *York*, that by the oath of honeſt and lawfull men of his County he diligently inquire how much the goods and chattells aforeſaid are worth, according to the true value of them. And to how much the iſſues and profits, of the Lands, Tenements, and Reverſions to the ſaid *A.* in forme aforeſaid delivered from the time of the delivery of them unto the ſaid *A.* untill the day of giving of the ſaid Judgment do extend unto. And the Inquiſition which, &c. make appeare here in the morrow of all *Soules* under the Seale, &c. And Seales, &c: And hereupon the ſaid *A:* requeſts a Writ of the Lord the King, to be directed to the Sheriff of *York* to reſtore, and to make delivery unto the ſaid *A.* the poſſeſſion of the Lands and Tenements aforeſaid,

with the appurtenances, together with the issues and profits thereof: And also the reversions of the premisses by the said Inquisition found; and it is granted unto him retornable here at the said Terme, &c.

The Plaintiff dyed after the last continuance pleaded, & Iudgement for the Defendant.

Hillary 21. *Jac. Rot.* 610. And now here at this day came the said *F T.* and *E.* by their said Attorney. And the aforesaid *W W* came not, and to the said Justices of Assizes before whom, &c. sent here their Record in these words. Afterwards, &c. And hereupon the same *F T* and *E* say, that the aforesaid *W W.* after the last continuance of the Plea aforesaid, to wit after the morrow of the *Holy Trinity* last past upon which day the said Plaint was further continued here untill this day, that is to say, in eight dayes of Saint *Michaell* then next following, before which day, that is to say the last day of *August* last past at *T.* dyed: Therefore it is considered, that the said Plaintiffe and his Pledges to prosecute be in mercy, as in other Judgements for the defendant.

Mercy.

Afterwards,

AFterwards, &c. cometh the ſaid Plaintiff by his ſaid Attorney by ſpeciall Warrant to him in this behalfe made, and acknowledgeth that he is ſatisfied of 100 *l.* debt, and of 26 *s.* 8 *d.* for damages. Therefore the ſaid Defendant of the ſaid 100 *l:* for debt and 26 *s.* 8 *d.* for damages be unmoleſted, &c.

Satisfaction acknowledged.

TKinity *Terme* 5 *Car. Rot.* 627. *Venire* retornable on Thurſday after *tr. tr:* At which day the Jury between the ſaid parties of the ſaid Plea, as to try the ſaid iſſue between the ſaid parties above joyned in the ſaid County of *Cornwall* is reſpited between them here untill this day, that is to ſay Friday next after eight dayes of Saint *Michaell* then next following, unleſſe the Juſtices of the King aſſigned to take the Aſſizes in the ſaid County, by forme of the Statute, &c. Afterwards, &c. And alſo upon the ſaid Thurſday next after the ſaid three weekes from the *Holy Trinity* the ſaid Jury between the ſaid Parties of the ſaid Plea, are to try the ſaid iſſue between the ſaid parties

Venire facias awarded into two ſeverall Counties, and Judgement after the Verdicts.

ties above joyned in the County of *Devon.* is reſpited, *&c.* as before, *&c.* Therefore it is conſidered that the ſaid Plaintiffe Recover againſt the ſaid Defendant his ſaid Debt, and his ſaid Damages, as well by the Jury of the ſaid County of *Cornwall* as by the Jury of the ſaid County of *Devon.* found to, And alſo, &c. As in other judgements.

Judgement affirme in a writ of falſ Judgement and a Capias ad ſatisfaciendum *awarded.*

TRin. *Terme* 12. *Car. Roll.* 2226. in 8. dayes of Saint *Mich.* At which day here cometh the ſaid *R. Higgs* by his ſaid Attorney; and becauſe the Juſtices here will further adviſe, &c. Day is further given to the ſaid *R. H.* here untill in eight dayes of Saint *Hillary* of hearing their Judgment thereof, &c. and ſo continue it over untill *Eaſter* Terme. At which day here cometh the ſaid *R H* by his ſaid Attorney: And hereupon the premiſes being ſeen, and by the Juſtices here fully underſtood. It ſeemeth to the ſaid Juſtices here, that no falſe judgement is made in the ſaid plaint, in the aforeſaid Court (as the Title is) neither is there any error in the ſaid Record, but that the judgment given in the ſaid plaint,

is good and ſufficient in Law, and that no error is therein.

Therefore it is conſidered, that that Judgment be affirmed, and that in all things it ſtand in force and vertue. Notwithſtanding the allegation and aſſignment of Errors of the ſaid *R H:* And the ſaid *R B.* goe thereof without day, &c. Whereupon the ſame *R B.* being preſent in the ſame Court, requeſteth a Writ of the King to be directed to the Sheriff of the ſaid County. as well to cauſe to be had to him his poſſeſſion of his ſaid Terme, of and in the Tenements aforeſaid with the appurtenances yet to come, as to take the ſaid *R. H.* of &c. And him ſafely, &c. to ſatiſfie the ſaid *R B* of his ſaid damages in forme aforeſaid adjudged, whereof he is convicted. And to him it is granted returnable here in *tr.tr.* the like Preſedent in *Hillary* Terme 11. *Car. Roll.* 2091.

TRin. *Term.* 11. *Car: roll.* 663. *Suſſex* ſſ. 15. *Paſch.* At which day here commeth the ſaid *William* by his ſaid Attorney

A Devaſtavit returned upon a writ of enquiry againſt an Adminiſtratrix, and a fieri feci to the adminiſtratrix, who maketh default and judgment aainſt her own Goods.

torney, and the Sheriff (to wit) *P. P.* Knight, now delivered here a certain inquiſition taken before him at *B.* in the ſaid county, the eighteenth day of *Aprill* laſt paſt by the oath of twelve, &c. by which it is found, that the ſaid *T. B:* and *S:* his wife, Adminiſtratrix of the Goods and Chattells which were of the ſaid *B.* diver Goods and Chattells to the value of twelve pounds, parcell of the ſaid Debt above mentioned, which were of the ſaid *B.* at the time of his death in the hands of the ſaid *T.* and *S.* after the death of the ſaid *B:* have ſold, eloyned, or to the proper uſe of them the ſaid *T.* and *S:* converted: And hereupon the aforeſaid *W:* offered himſelf the fourth day againſt the aforeſaid *T.* and *S.* of the aforeſaid plea, and they ſolemnly called, came not; but made default, and the Sheriff now returneth, that by *W. S.* and *I. P.* honeſt, *&c.* he hath made known to the aforeſaid *T.* and *S.* that they ſhould be here at this day to ſhew in form aforeſaid, *&c.* Therefore it is conſidered, that the ſaid *W.* have Execution againſt the ſaid *T:* and *S.* of the ſaid twelve pounds, parcell of the aforeſaid debt to be levied of the proper goods and Chattells of the ſame *T.* and *S.* by default

fault of the ſaid *I.* and *T.S*: Mr. *Pynſents* Judgment *Papers Eaſter*, 13. *Car*: the Letter *G*. the like preſedent in *Trin: term*, 13: *Car. rot.* 2373.

Returne of the Biſhop that he hath delivered Lands belonging to a Deanry and Rectory within his dioceſs.

Hill. Term 12: *Car*: *rot*: 688: At which day here come the aforeſaid *R*: and *B* by their ſaid Attorney, and the ſaid Arch-Biſhop now ſaith, that he by virtue of the ſaid Writ to him directed, the ſixth day of *May* laſt paſt, ſearched his Regiſters and other Records and Writings truſtworthy, and found the ſaid *I.C*: to have, obtain and poſſeſs within his Dioces of *Y*. the Deanry Cathedrall church and Metropolitan of the bleſſed *Peter* in *York*, of which ſaid Deanry, the Lands, Rents, Poſſeſſions and profits, and other rights and Emoluments Eccleſiaſticall, are of the yearly value of four hundred pounds beſides reprizes, he hath alſo found the ſaid *I.* to have, poſſeſs and obtain, the Rectory of the Parochiall Church of *S*: within the Deanry in his dioceſs, whereof the Tithes of the Glebe, Oblations, Obventions, Profits, Emoluments Eccleſiaſticall, with other Emoluments poſſeſſions and Debts belonging to the ſaid Rectory, are of the yearly value of two hundred

dred pounds, beſides repriſes: All which things as wel belonging to the ſaid Deanry, as to the ſaid Rectory, the ſame Arch-Biſhop as much as in him lay, cauſed to be delivered to the ſaid *R.* and *B.* to hold all the ſaid things belonging to the ſaid Deanry and Rectory as his freehold to him and his Aſſigns, according to the form of the ſaid Statute, untill the ſaid Debt together with his Damages, Charges and Coſts neceſſary and reaſonable, as in the labours ſuits delayes and expences thereof were levied: And further the ſaid Arch-Biſhop doth now ſhew, that the ſaid *I.* hath no other Goods Eccleſiaſticall, or other Lands or Tenements Eccleſiaſticall within his Dioceſs, *&c:*

The return of the Chancellor of Lancaſter, *of an inquiſition upon a ſtatute.*

MIch: *Term* 22: *Car: roll.* 1212: At which day here cometh the ſaid *R:* by his Attorney aforeſaid, and the ſaid Chancellour, that is to ſay *Edward* Lord *N.* now ſheweth, that hee by virtue of the ſaid Writ to him directed, by Writ of the King under the ſeal of the County Palatine aforeſaid, duely made, gave command to the Sheriffe of the ſame County, as by that Writ to him it was required, which ſayd Sheriff to wit *A:R:* Eſquire,

Eſquire, doth anſwer him that the ſaid *I T* is not found in his Baliwick; the ſaid Sheriff alſo further ſheweth to the ſaid Chancelor a certain inquiſition taken before him at *M*: in the ſaid County of *Lancaſter* on Thurſday the eight and twentieth day of *Febr uary* laſt paſt by the oath of twelve, *&c.* by which it is found that *&c.* (as in the Inquiſition) whereupon it is teſtified in the ſame Court here, that the aforeſaid *I:T.* the aforeſaid laſt day of *March* in the twelfth yeer aforeſaid, and afterwards had, and yet have divers other Goods and Chattells, Lands and Tenements in the aforeſaid county of *Lancaſter* which may be extended and appraiſed: Therefore it is commanded to the ſaid Chancelor of the County Palatine aforeſaid, or his Vice-Chancellor there, that by another Writ under the Seal of the County Palatine aforeſaid, duely to be made, you command the Sheriff of the ſaid County of *Lancaſter*, that all the other Goods and Chattells of the ſaid *I. E*: and all Lands and Tenements of the ſaid *I: E.* in the bailiwick which were not formerly extended before the day of the acknowledgment of the ſaid Debt, or any time afterwards to whoſe hands they

they ſhall come (unleſſe they ſhall deſcend by inheritance unto any heire, within age) to the ſaid *R. R.* without delay you make delivery by reaſonable price and extent, to hold to him the goods and chattells aforeſaid, as his proper goods, and chattells: And alſo to hold the Lands and Tenements aforeſaid as his free Tenement to him and his aſſignes, according to the forme of the Statute &c. untill the aforeſaid Debt, together with his damages and coſts neceſſary and reaſonable, as in Labours, Suits, Delayes and expences thereof be levyed. And nevertheleſſe he take the Body of the ſaid *I.* if &c. and in Priſon &c. untill he ſhall fully ſatisfie the ſaid *R.* of the aforeſaid Debt in forme aforeſaid; and how much, &c. the ſaid Chancelor make appeare here *quinq. Paſc. &c:*

The like *Mich.* Terme 16 *Jacob. Rot.* 897.

The Defendant dyed after the laſt continuance.

TRin. Terme 20 *Jac. Ro: VVedgewood* againſt *Boyden.* Afterwards, &c. And hereupon the ſaid Plaintiff ſaith that after the laſt continuance of the ſaid plea, to wit (ſuch a day) laſt paſt, upon which day the ſaid plaint was laſt continued

tinued here untill this day, to wit, in *Oct. Mich.* and before this day, to wit (ſuch a day) laſt paſt, the ſaid Defendant dyed, and the aforeſaid *T.* this doth not gaine-ſay, but confeſſeth it to be truth. Therefore let no proceſſe, nor any other thing be made againſt the ſaid *W.* &c: And the ſaid Plaintiff demandeth Judgment upon the ſaid Verdict againſt the ſaid *T.* to be given for him: Therefore omitting the ſaid *W.* it is conſidered, *&c.*

Mich. Terme 12 *Jac. Rot.* 1779: and 1780. *Blount* againſt *Hyet*, an Action of Debt was brought for 200 *l.* the *Ven. fa.* awarded, *Oct. Par.* At which day here came as well the ſaid *John* as the ſaid *Rich.* by their ſaid Attorneys: And hereupon day is given as well to the ſaid *John* as to the ſaid *Rich.* here untill from *Eaſter* day in 15 dayes by the aſſent of the ſaid *John* and *Richard*: And as before it is ſaid to the ſaid *I.* that he then have here his ſaid Record at his perill, &c. At which day here came as well the ſaid *I.* as the ſaid *R.* by their ſaid Attorneys, and hereupon the ſaid *I.* bringeth here in Court a Writ of the King to the Juſtices here directed, which followeth in theſe

words: *JAMES, &c.* to his faithfull and beloved *Laurence Tanfield* Kt. Chiefe Baron of the Exchequer greeting, Wee willing for certaine cauſes to certifie, &c. Recite the Writ of *Certiorare*, and the whole Record certified in the ſame words, &c. And hereupon the ſaid *John* prayeth Judgment, and his debt aforeſaid, together with his damages, by occaſion of deteyning of that debt to him to be adjudged: Whereupon the premiſes being ſeen, and by the Juſtices here fully underſtood it ſeemeth to the ſaid Juſtices here that the ſaid *Richard Kirke* at the ſaid eight dayes of Saint *Hillary* before the then Barons of the ſaid King at *Weſtminſter* only returned the ſaid Writ in the name of the ſaid *John*. And by that returne certified, and ſhewed, that the ſaid *Richard Hyat* was not found in his Bailywick. And that he by vertue of that Writ to him directed the 18 day of *January*, in the third yeare aboveſaid ſeiſed into the hands of the Soveraigne Lord the King, one capitall Meſſuage with the appurtenances in *S* beſides the Lands and Tenements in the ſaid Writ ſpecified of the lands & tenements of the ſaid *Hyat* of the yearly value beſides repriſes,

priſes, 10*l.* And that he had no other or more Lands and Tenements in the Bailywick of the ſaid Sheriff, beſides the Lands and Tenements firſt taken and ſeiſed into the hands of the ſaid King, as the ſaid *John* hath above alleaged. Therefore it is conſidered that the ſaid *John* recover, &c. as in other Judgments.

Returne of a Certiorari *awarded by the Mayor and Bayliffs of* Cambridg *upon* nul. tielrecord. *pleaded.*

Mich. Terme 13 *Jacob. Rot.* 2492. *Mawle* againſt *Smart.* At which ſaid Fifteenth day from Saint *Hillary* came the ſaid Plaintiff by his Attorney aforeſaid. And *R L.* Major and *F H E B T S* and *T W.* Bayliffs of the ſaid Village now certifie that having ſearched the Rolls and other Remembrances of the Records from the time of the ſaid *I V V.* and the ſaid *E L E Y V V C* and *M D.* late Bayliffs of the ſaid Village; being now in the cuſtody of the now Major and Bayliffs amongſt the Rolls and Remembrances upon Record of the eleventh yeare of the late King *James*, there is not nay had ſuch Record of the ſaid Judgement in the ſaid Court of the ſaid King of his Village of *Cambridge* before the ſame Major and Bayliffs remaining as the ſaid Defendant above by replycation alleageth: Therefore, *&c:*

The Sherif returneth an Inquisition delivered to him by the Administrator of his Predecessor.

Hil. 3. *Ja. Rot.* 781. *Lamock* against *Porter*. At which day here came the said Plaintiffe by his said Attorney, and the Sherif, to wit, *F C* Esquire now sheweth here a certaine Inquisition before *T: D.* Esquire in his life time late Sheriff of the said County his Predecessor at *B.* in the County aforesaid, the third day of *M.* last past by the Oath of twelve, &c. by vertue of the said writ taken, and by *P D.* Esquire, Administrator of the Goods and Chattells which were of the said late Sheriff, after the death of the said Sheriff, to the said now Sheriff; together with the aforesaid Writ returned and delivered, by which it is found, that &c.

Returne of a writ of admeasurement of pasture awarded.

Mich: Terme 44 and 45 *Eliz: Rot.* 1773. At which day here cometh the said *A.* by his said Attorney: And the Sheriff, that is to say, *W F* Esquire now presereth here a certaine admeasurement of Pasture between the said parties by the said Sheriff, by vertue of the said Writ, by the oath of twelve, &c. made in these words, I *W. F.* &c. Therefore it is commanded to the said *E.* that he remove out of the said Pasture all cattell which he hath

hath in the ſame paſture, except the number limited to him by that admeaſurement under the penalty in the Statute in this caſe made and provided contained, &c.

Hill. 4. *Jac. Rot.* 27. 69. *Barkham* againſt *Symonds*: Therefore it is conſidered that the ſaid *T* and *M.* recover againſt the aforeſaid *R.* his cuſtody of the Tenements aforeſaid with the appurtenances. And his ſaid damages to 21 *s.* by the ſaid Jury, &c. And alſo, &c. And the ſaid *R.* in mercy, &c. And hereupon the ſaid *T* and *M.* requeſteth a Writ of the Soveraign Lord the King, to cauſe to be made unto him full and peaceable ſeiſin of his cuſtody, of and in the Tenements aforeſaid with the appurtenances. And it is granted to him, returnable here ſuch a returne, &c.

AFterwards, &c. And hereupon the ſaid *T* and *B.* freely here in Court do remit to the ſaid *N.* the cuſtody of the heire aforeſaid, and the ſaid damages, and demandeth Judgment of the cuſtody of the ſaid Land to be given him, &c. Therefore it is conſidered that the ſaid *T* and

M. recover againſt the aforeſaid *N*: the cuſtody of the ſaid Land. And the ſaid *N* in mercy, &c. And the ſaid *N* as to the cuſtody of the ſaid Heire, and the ſaid damages go thereof without day, &c.

Satisfaction acknowledged by an executor.

TRin. *Terme* 44 Eliz. Rot. 717. *Afterwards, to wit, the twelveth day of* May, *in the foure and fortieth yeare of the Raign of the late Queen came here into the Court, one* Thomas Peirſon, *Executor of the Teſtament of the ſaid* Tho. P. *by* John Dorrington *his Attorney by ſpeciall Warrant to him in this behalfe made. And ſaith that the ſaid* T P. *the Teſtator made his laſt Will and Teſtament in writing, languiſhing in extreames, and did conſtitute and ordaine the ſaid* T P. *Executor of the ſaid Teſtament. And afterwards dyed. And bringeth here in Court the Letters Teſtamentary of the ſaid* T P. *the Teſtator by which it ſufficiently appeareth to the Court here, the ſaid* T P *to be Executor of the ſaid Teſtament: And thereof to have adminiſtration, &c. And herenpon the ſaid Executor doth acknowledge that he is ſatisfied of the Debt and damages aforeſaid: Therefore the ſaid* Tho. Lambert *of the ſaid Debt and damages be quiet, &c.*

Trin.

TRin. 44. Eliz. Rot. 211. *At which day the Jury &c. And now here at this day came as wel the aforeſaid* George *no as well*, &c:. *as the ſaid John by their ſaid Attorneys, and the ſaid Juſtices*, &c. *afterwards* &c: *and hereupon the ſaid* George *informeth the Court, that the ſaid Writ of cauſe to come twelve, &c. iſſued to the ſaid Sheriffe, commanding him to cauſe to come here* 12. &c. *of the neighbourhood of* Dunsford, *to try that iſſue, whereas of right that writ ought to have iſſued to the ſaid ſheriff, commanding him that he ſhould cauſe to come here twelve*, &c: *of the neighbourhood of the pariſh of* Dunsford, *to try that iſſue, and ſo that writ out of the Court here did unduely iſſue, requeſting that the ſaid writ together with the pannell of the names of the jurors, and the proceſs thereupon returned, may be adnihilated and made void and ha d for nothing, and that another writ be made of new to cauſe to come here twelve &c: of the neighbourhood of* Dunsford, *aforeſaid to try the ſaid iſſue as of right is required to be directed to the Sheriffe of the ſaid County whereupon the Record and proceſs aforeſaid being ſeen, and by the Juſtices here underſtood, it doth ſufficiently appear to the ſaid Juſtices, the allega-*

Verdict quaſhed for error in the venire facias, and a new venire awarded.

tion of the ſaid John *to be true, and the ſaid Writ out of the ſaid Court, to have unduely iſſued. Therefore it is conſidered that the ſaid Writ, Pannell, and Proceſs aforeſaid thereupon returned be made void and held for nothing, therefore the Sheriff is commanded that of new he cauſe to come here in the morrow of the Holy* Trinity *twelve, &c. of the neighbourhood of the pariſh of* Dunsford *aforeſaid, by whom &c. and who neither &c. to recognize* &c: *becauſe as well* &c.

Outlawry reverſed, the proclamation unduly executed.

TRin. 43. Eliz. rot. 2824. Afterwards, (that is to ſay) the firſt day of *April* in the 44. year of the Raign of the late Queen, came here in Court one *John Denton* on the behalf of the ſayd *William*, and for him requeſteth the hearing of the Return of the ſaid Writ of Proclamation directed to the Sheriff of the ſaid County of *Yorke*, and here in Court at the ſaid morrow of Saint *Martin* returned, and it is read unto him in theſe words, At my County of *Yorke*, (as in the judgment paper) which being read and heard, the ſaid *John* for the ſaid *William* ſaith, that the ſaid Writ is not ſufficiently returned nor executed, for that it doth not appear in what County the ſaid firſt proclamation

clamation was made whereby the Outlawry aforſaid, by the ſaid Statute is void and of no vigor nor Effect in Law, wher. upon the ſaid Return being ſeen, and by the Juſtices here fully examined and unſtood, it ſufficiently appeareth to the ſaid Juſtices here, that the aforeſaid Allegation of the ſaid *Iohn*, in diſcharge of the ſaid *VVilliam*, from the Outlawry aforeſaid, is true.

THerefore it is conſidered that the ſaid *VVilliam* ſhould be diſcharged of the ſaid Outlawry, and not to be moleſted by reaſon thereof, nor in any thing greived, but go thereof quiet, &c.

Outlawry reverſed for want of one proclamation.

MIchaelmas 43. *Eliz. Rott.* 2059: Afterwards, &c. (as above) One *Francis Barker*, on the behalf of the ſaid *Thomas* and *Richard*, and for them requeſteth the hearing of the Returne of the ſaid Writ of Proclamation, directed to the Sheriffe of the County of *Buckingam*, and here in Court at the ſaid fifteen dayes from the Day of Saint *HILLARY*, retnrned: And it is read unto him in theſe words: At the dores of

of the Church of *East Claydon*, and *Whaddon*, &c. (s in the Judgment paper) which being read and heard, the ſame *Francis* for the ſaid *Thomas* and *Richard*, ſaith, that it doth not appear by the ſaid Return, that any third Proclamation was made for the ſaid *Thomas* and *Richard* according to the Exigency of the ſaid Writ, whereby the outlawry aforeſaid in form aforeſaid againſt them the ſaid *Thomas* and *Richard* publiſhed and had by the Statute aforeſaid, is altogether void, and of no vigour nor effect in Law, therefore &c. as above.

Outlawry reverſed for that it doth not appear by the return, when the Proclamation was made, that there was any preaching that day.

HIll. 43 Eliz Rot. 2537. *Afterwards* &c. (*as in the laſt*) *One* Anthony Oldfeild *on the behalf of the ſaid* Mathew *as before, which being read and heard, the ſaid* Anthony *for the ſaid* Mathew, *for that it appeareth not by the ſaid return whether any preaching was made in the aforeſaid Church of* Spalding *or not, as by the ſaid Statute according to the Exigency of the ſaid Writ it ought to appear whereby, and as before.*

The Plaintiff in Replevin non ſuit, *and a return* Habend. *awarded*

TRin. *term* 43 and 44 *Eliz.* At which day the Jury &c. Afterwards &c. Therefore it is conſidered that the ſaid *H.* *and damages adjudged, and directed to the Coroner.*

Return. Habend.

have

have nothing by his ſaid Writ, but maybe in mercy for his falſe complaint therin: And that the ſaid *William Jefferſon* go therof without day *&c.* and that he have Return of his ſaid Cattell to hold to him irrepleviſhable for ever, and how far &c. the Sheriff make appear, *&c.* It is alſo conſidered that the ſaid *William I.* recover againſt the ſaid *H.* his ſaid Damages to forty two ſhillings by the Jury &c. And alſo ſix ty three ſhillings four pence to the ſaid *W. I.* at his requeſt, *&c.* Damages in the whole do amount to five pounds three ſhillings four pence, before which ſaid eight dayes of Saint *Hillary* the plaint &c. And now here at *Weſtminſter* aforeſaid, *&c.* At this day came the ſaid *W. I.* by his ſaid Attorney, and as to the Writ of having Return, the Sheriff did nothing therein, neither ſent the Writ, and hereupon the ſaid *W. I.* ſaith, that the ſaid *H.* is Sheriff of the County aforeſaid, and for that cauſe requeſteth a Writ of the ſaid Soveraign Lord the King, to have return of the cattell aforeſaid to be directed to the Corroner of the ſaid King in the ſaid County: And becauſe it ſufficiently appeareth to the court here by the Return of the Writs of the

ſaid

ſaid County remaining here in Court, that the Allegation of the ſaid *VV. I.* is true. Therefore it is commanded to the Coroners of the ſaid County, that without delay, they make return of the ſaid cattell to the ſaid *W I* to hold to him irrepleviſhable for ever, and how far &c. the Coroners make appear here from the day of the *Holy Trinity* in three weekes &c.

The return of a writ of enquiry againſt an Executor for breach of Covenant awarded,

Hill. 45. *Eliz. rot.* 2717. Before which day the ſaid plaint was adjourned, &c. And now here to wit at *C. VV. &c.* came the ſaid *John Maleverer*, by his ſaid Attorney, and the Sheriff to wit *T. Strickland*, now returneth a certain Inquiſition taken before him at *Doncaſter*, in the county aforeſaid, the fourth day of *October* laſt paſt, by the oath of twelve *&c.* by which it is found, that the ſaid *John Maleverer* ſuſtained Damages by occaſion of breaking the ſaid Covenant beſides his Coſts and Charges, *&c:* To twenty three pounds, ſix ſhillings & eight pence and for thoſe Coſts and Charges to forty ſhillings, therefore it conſidered, that the ſaid *I. M.* recover againſt the ſaid *H.* &c. his damages aforeſaid to 25 *l.* 6 *s:* 8 *d:*

by

by the Inquiſition aforeſaid, in forme aforeſaid found: And alſo 5 *l*: 3 *s* 4 *d*: to the ſaid *I M* at his requeſt, &c: damamages in the whole amount unto, &c: of the Goods and Chattells which were of the ſaid *I*: at the time of his death, in the hands of the ſaid *H* &c: Executors un-adminiſtred to be levied, if the ſaid *H* &c: have ſo much in their hands, &c: And if they have not then 7 *l*. 2 *s*: 4 *d*: to the damages aforeſaid to the ſaid *I M* for his ſaid coſts and charges in forme aforeſaid adjudged of the proper Goods and Chattells of the ſaid Executors to be levyed: And the ſaid *H*: &c: in mercy, &c:

Hill: Terme 2 *Ja*: *rot*: 204: 19. *Paſch*: At which day here came the ſaid *P* by his Guardians aforeſaid, & the Sherif ſent not the Writ, therefore as before let another thereof to him be made in forme aforeſaid returnable here in the morrow of the *Holy Trinity*, &c. At which day here came the aforeſaid *P*. by his Guardians aforeſaid. And the Sheriff ſent not the Writ, and hereupon the ſaid *P* freely here in Court doth remit to the ſaid *T. W.* what-

Damages remitted by the Plaintiff.

whatſoever damages are to be adjudged to him, by occaſion of the ſaid impediment: Therefore the ſaid *TW:* of thoſe damages be quiet, &c.

The Defendant relinquiſheth his plea, in an account, and Judgement againſt him

EAſter Terme 3 *Jac. Rot.* 105. In the morrow of the *Holy Trinity*. At which day here came as well the ſaid *F* as the ſaid *R.* by their Attorneys aforeſaid: And hereupon the ſaid *R:* relinquiſhing his juſtification, &c. Nor that but he was Baylif of the ſaid *F.* for the common profit of the ſame *R.* and *F.* as the ſaid *F:* above againſt him hath declared. Therefore it is conſidered that the ſaid *R.* account with the ſaid *F* of the time wherein the ſaid *R.* had the care and adminiſtration of the aforeſaid one hundred and ſixteen o——o thereof to Merchandize and make profit for them the ſaid *R* and *F.* And the ſaid *R* in mercy, becauſe before he accompted not, &c

Verdict & Judgement for the Plaintiff upon Riens per diſcent

EAſter 1 *Jac. Rot.* 501. Afterwards, &c: And now here at this day came as well &c: As, &c. by their ſaid Attorneys, and the Jury thereof impannelled, likewiſe come who being elected, tryed and ſworne to ſpeak the truth of the premiſſes ſay upon their Oathes, that the ſaid *W.* and

W and *G* the ſaid day of the bringing the ſaid originall Writ of the ſaid *Thomas* both by, to wit, the thirteenth day of *October*, in the yeare, &c. had divers other Lands and Tenements of Inheritance by diſcent from the aforeſaid *Thomas Piggot* his Father in Fee-ſimple, above the ſaid twenty acres of Land, called the Queens Haberlee with the appurtenances, whereof they might have ſatisfied the ſaid *Tho: B.* of the debt aforeſaid, as the ſaid *T. B.* hath above alleaged, to wit, of ſixteen Acres of Paſture called *Kythill* with the appurtenances in *Hogſhaw* aforeſaid. And they aſſeſſe the damages of the ſaid *T B.* by occaſion of deteyning of that debt, beſides his coſts and charges, &c. to 10*s* and for thoſe coſts and charges to 6*d*. Therefore it is conſidered, &c. to 10*s*. 6*d*. And alſo 13*l*. to the ſaid *T B*: at his requeſt, &c: damages in the whole do amount unto 14*l*: and the ſaid *W* and *E* in mercy, &c:

Damages deducted where the Jury did aſſeſſe more then the Plaintiff layed in his Declaration and Judgment for the reſidue.

Trin. Terme 43 *Eliz. rot.* 3201. Afterwards, &c. And becauſe it ſeemeth to the Juſtices here, that the Jury aforeſaid, have aſſeſſed more damages in the

the premiſes, then the ſaid *T* by his Declaration aforeſaid ſuppoſed himſelf by that occaſion to have ſuſteyned: Therefore twenty ſhillings of the ſaid one, and forty pounds by the Jury aforeſaid, in forme aforeſaid aſſeſſed, deducted and allowed. It is conſidered by the Juſtices here, that the ſaid *T* recover againſt the ſaid *I* forty pounds, only for his damages, by occaſion of the premiſſes. And the ſaid *John* in mercy, &c. And the ſaid *I* of the ſaid 20 *s.* reſidue be quiet, &c.

Judgement for the Plaintiff upon a demurrer to the Defendants plea, the new aſſignment.

T Rin. Terme 43 *Eliz. rot.* 1605. In eight dayes of Saint *Michael.* At which day here came as well, &c. As &c: by their ſaid Attorneys: and hereupon the aforeſaid premiſes being ſeen, whereupon the ſaid parties have put themſelves upon the Judgement of this Court, and by the Juſtices here fully underſtood, it ſeemeth to the ſame Juſtices here that the ſaid plea of the aforeſaid *VV* and *R:* as to the breaking of the ſaid cloſe, and depaſturing treading down and conſuming of the Graſſe aforeſaid with the Cattell aforeſaid, in the ſaid foure acres of Paſture with the appurtenances of new aſſigned above in Barr of the ſaid new aſ-

ſignment

ſignment pleaded, is not ſufficient in Law to preclude the ſaid *T* from having his ſaid action againſt the ſaid *VV* & *R*. As the ſaid *T* hath above alleadged, whereupon the ſaid *T* as to trie the ſaid iſſue betwixt the ſaid *T* & the aforeſaid *VV* & *R* above joyned to be tryed by the Country doth confeſs in Court here, that he wil not further proſecute his ſaid Writ againſt the ſaid *VV* & *R*. but to proſecute the ſame *VV* & *R* in & upon the Writ and iſſue aforeſaid, diſavows & refuſes therefore let no proceſs nor other thing againſt the ſaid *W* and *R* be further there of made, and the ſame *W* & *R* be thereof without day, &c. And hereupon the ſaid *T*. requeſteth that the ſame *W* and *R*. of the Treſpaſſe, aforeſaid as to the breaking of the ſaid cloſe, and the depaſturing, treading downe and conſuming of the Graſſe aforeſaid in the ſaid foure Acres of Paſture with the appurtenances of new aſſigned may be convinced: And that damages by reaſon of that treſpaſs to him may be adjudged, &c: For which the ſaid *T*. his damages by reaſon of that treſpaſſe againſt the ſaid *W* and *R*. ought to recover. But becauſe it is not known what damages the ſaid *T* ſuſtained, by

The plaintiff will not proſecute the tryall of the iſſue.

A Writ of of Inquiry of damages awarded.

occaſion of that Treſpaſſe. It is commanded the Sheriff that by the oathes of honeſt and lawfull men of his County, he diligently inquire what damages, &c. As in other Writs of inquiry in treſpaſſe.

Judgement for the Plaintiff upon a demurrer in debt & as to one obligation, & the Defendant relinquiſheth his plea, as to the other

TRin. 44 *Eliz: rot.* 715: *Off. Hill.* At which day here cometh as well the ſaid *Henry Piggot* as the ſaid *Henry Mancell* by their ſaid Attorneys, and hereupon the premiſſes being ſeen, whereupon the ſaid parties have put themſelves upon the Judgment of this Court, and by the Juſtices here fully underſtood, it ſeemeth to the ſaid Juſtices here that the ſaid plea of the aforeſaid *H M.* as to the ſaid 200 *l.* by vertue of the ſaid firſt writing obligatory, above required above in Barr pleaded, and the matter therein contained, is not ſufficient in Law to debarre the ſaid *H P.* from having his ſaid action thereof againſt the ſaid *H M.* as the ſaid *H P* hath above alleaged: Whereupon the ſaid *H M.* as to the ſaid 60 *l.* of the aforeſaid 260 *l.* reſidue which the aforeſaid *H P* by vertue of the ſecond Writing obligatory above requireth againſt him, relinquiſheth his juſtification, &c: ſaith that he cannot gainſay

the

the aforeſaid action, &c. nor but that writing is his Deed, nor but that he doth owe unto the ſaid *HP.* the ſaid 60 *l.* in ſuch forme as the ſaid *H P* above againſt him hath declared. Therefore it is conſidered that the ſaid *HP* recover againſt the ſaid *H Manncell* his ſaid Debt and his damages, by occaſion of detaining of that Debt, to twelve pounds to the ſame *HP* of his aſſent by the Court here adjudged, and the ſaid *H Mauncell* in mercy *&c.* *Mercy.*

Eaſter 44. *Eliz. rot.* 1416: At which day the Jury, *&c.* And now here at this day cometh as well the ſaid *I* as the ſaid *R* by their ſaid Attorneys, and the Jury, *&c.* ſay upon their Oathes, that as to the breadth of foure feet, & the length of the whole length uprightly, ſtanding and being in the aforeſaid one acre of Paſture with the appurtenances of new aſſigned that the ſaid *R* is guilty of the ſaid Treſpaſſe therein, as the ſaid *I* above againſt him thereof complained, and aſſeſſe damages of the ſaid *I* by occaſion of that treſpaſſe, beſides the coſts and charges by him about his Suit in this behalfe expended to 12 *d.* and for thoſe *Verdict & Judgement for part reſidue for the Defendant.*

costs and charges to ten shillings, and further the said Jury say upon their said Oathes that the said *R* is in nothing guilty of the residue of the said Trespasse in the aforesaid one acre of Pasture with the appurtenances newly assigned, as the aforesaid *R* above alleaged. Therefore it is considered that the said *I* recover against the said *R* his said damages to 11 *s.* by the said Jury in forme aforesaid assessed: and also 99 *s.* to the said *John* at his request for his costs and charges aforesaid, by the Court here of increase adjudged, which said damages in the whole do amount to five pounds and ten shillings; and the said *Richard* be taken, &c. And the said *I in* mercy for his false complaint for the residue of the Trespasse aforesaid, whereof the said *R* by the Iury aforesaid is above acquitted: And the said R. there of go without day *&c.*

Taken mercy.

Judgment upon a demurrer for the Defendant for part & for the Plaintiff for part

Mich: 43. and 44. 9. *Eliz. rot.* 319. In eight dayes of Saint *Hillary*, &c. At which day here came as well the said Plaintiff as the said Defendant by their said Attorneys, and hereupon the said *and execution stayd untill the tryall of the issue.*

premisses

premiſſes being ſeen whereupon the ſaid parties have put themſelves upon the judgment of this Court. And by the Juſtices here fully underſtood, it ſeemeth to the ſaid Juſtices here, that the ſaid firſt plea of the ſaid *John Parham*, as to the ſaid ten ſhillings of the ſaid amerciament above ſuppoſed to be in arreare above in Barr of the ſaid acknowledgement pleaded, and the matter therein contained, are ſufficient in Law to barr the ſaid *John Norton* and *John Harvy* from their acknowledgment therein, againſt the ſaid *I P.* as the ſaid *J. Parham* above alleadged. Therefore it is conſidered, that the ſaid *J N* and *J H* therein be barred, and that the ſaid *I P* be thereof diſcharged, &c. And alſo that the ſaid third plea of the ſaid *John Parham*, as to the ſaid 24 *s.* 2 *d.* for the ſaid releife after the death of the ſaid *George Tilly*, for the Tenements aforeſaid with the appurtenances whereof, &c: ſuppoſed to be in arreare, and unpaid above in Barr, of the acknowledgment aforeſaid thereof pleaded, and the matter in the ſame contained, are not ſufficient in Law, to debarr the ſaid *I N* and *I H.* from having their acknowledgment therin againſt the

ſaid *I P.* as the ſaid *I P* and *I H* have above alleadged. Therefore it is conſidered that the ſaid *I P* take nothing by his ſaid Writ, but be in mercy for his falſe complaint therein, and that the ſaid *I N* and *I H* go thereof without day, &c. and that they have returne of the ſaid Cattell as to the ſaid 24. *s.* 2 *d.* for the reliefe aforeſaid, to detaine to them irrepleviſhable for ever, &c. but let the Writ of having returne of the Cattell aforeſaid and of inquiry of damages of them the ſaid *I M* and *I H* ceaſe untill the iſſue aforeſaid, between the ſaid *I P* and the ſaid *I M* and *I H* be determined, &c. and as to try that iſſue the Sheriff at the aforeſaid eight dayes of St: *Hillary*, did nothing therein, nor ſent the Writ: Therefore as before it is commanded, the ſaid Sheriff, that he make come here in eight daies of the Purification of the bleſſed *Mary* twelve, &c. to recognize in forme aforeſaid, &c.

Two venire facias returned for the ſame cauſe and made void and another awarded.

Hill. 43 *Eliz. rot.* 706. Afterwards *&c.* And hereupon the ſaid *George*, giveth the Court to underſtand that two Writs of the Queen, to cauſe to come twelve, &c. to try the ſaid iſſue, together

ther with two ſeveral pannells to the ſaid Writs annexed, are in Court here returned and filed, that is to ſay, one of them of eight dayes of the Purification of the bleſſed *Mary*, in the three and fortieth year of the Raign of the ſaid Queen and the other of them in the morrow of the *Holy Trinity*, in the foure and fortieth year of the Raigne of the ſaid Queen, whereas by the Law of the Land in this caſe, one only Writ of *Ven. fac.* with the pannell, and with the names of the Jurors ought to be returned, requeſting that the ſaid two Writs of *Venire facias*, ſo as aforeſaid returned, and filed together with the pannells and names of the Jurors, and the proceſſe upon the ſaid Writ had and returned, may be nullified and taken for nothing. And another Writ of new of the ſaid Queen, to cauſe to come twelve, &c. to try the ſaid iſſue as above ſaid joyned, Whereupon the Writs aforeſaid being ſeen, and by the ſaid Juſtices here fully underſtood, it ſufficiently appeareth to the ſaid Juſtices here, that the allegation of the ſaid *G.* is true. Therefore it is conſidered, that the ſaid two Writs of *Ven. fac.* in forme aforeſaid filed, and the pannells of

the names of the Jurors annexed to the ſaid Writs, and the proceſs had and returned upon the ſame Writs be irregular void, and taken, and held as nothing; And of the aſſent as well of the ſaid *G.* as of the ſaid *W* it is commanded the Sheriff that he cauſe to come here in eight daies of the Purification of the bleſſed *Mary*, twelve, &c. To try the iſſue aforeſaid above joyned, by whom, &c. And who neither, &c. to recognize, *&c.* becauſe as well, *&c.*

Judgement for the Plaintiff in a writ of falſe Judgement and a Scire facias, *for reſtitution awarded.*

Hill. Term 43. *Eliz. rot.* 1914. At which day here came the ſaid *H.* by his attorney aforeſaid, and hereupon as well the ſaid Writ of falſe jndgement, as the Record and proceſs thereupon made, and the Judgment given upon the ſame, being ſeen, heard, and carefully underſtood it ſeemeth to the ſaid Juſtices here that divers waies falſe Judgment is given againſt the ſaid *H.* and eſpecially in this, for that after the ſaid iſſue between the parties aforeſaid joyned, no appearance or default between the ſaid parties is recorded, whereby the ſaid Jury was taken and had with any appearance of the parties or of their Attorneys, and in this that no Entry is made of the verdict given by the ſaid

ſaid Jury; but only a certain note or *Memorandum* for whom that verdict was given, and alſo in this, for that in giving the ſaid Judgment, no mention is had for who or for whom the Judgment aforeſaid was given, nor againſt who or whom the ſaid Damages adjudged by the ſaid jury ought to be recovered: Therfore for detect of thoſe and other things found and being in the Record and proceſs aforſaid, it is conſidered that the ſaid judgment be revoked as falſe and irregular; and altogether taken for nothing, and that the ſaid *H.* to all things which hee hath loſt by reaſon of the ſaid falſe Judgment, be reſtored, &c. and therefore it is commanded to the ſaid *Ra.* that the ſaid 34 *s.* 10 *d.* if of the ſaid *H* he be ſatisfied of the ſaid 34 *s.* 10 *d.* to the ſaid *H.* be reſtored and redelivered, and if he ſhall not redeliver it to the ſaid *H* then he be here in the morrow of the *Holy Trinity*, to ſhew wherefore he ſhould not do it, *&c.*

The plaintiff at the requeſt of the court remitteth part of the damages.

E*After Term* 43: *Eliz. rot.* 1708. Afterwards &c. whereupon it ſeemeth to the Juſtices here, that the ſaid *A.* ſhould mitigate his ſaid damages by reaſon of the premiſſes, ſomthing therein reaſonably

nably releaſing before they give judgment thereupon, and it is ſaid unto him that he ſhould ſo do, and hereupon the ſaid *A* freely here in Court doth remit to the ſaid *I* ſix pounds ten ſhillings of thoſe Damages, &c. and requeſteth Judgment of the ſaid debt, and of the reſidue of the Damages aforeſaid to him to be reſtored, &c: Therefore the ſaid ſix pounds ten ſhillings of the Damages aforeſaid deducted, it is conſidered that the ſaid *A* recover againſt the ſaid *I* his Debt aforeſaid, and the Reſidue of his ſaid Damages to ten pounds by the Jury &c: and the ſaid *I* in mercy, &c.

Mercy.

Plaint adjourned, and after a verdict, Judgement for the plaintiff.

Trin. 43. *Eliz rot.* 517. *Tres Tr.* At which day the Jury *&c:* unleſs the juſtices *&c.* on the *Monday* the ſix and twentieth day of *September* laſt paſt at the Caſtle of *Norwich* in the County aforeſaid ſhall firſt come. At which ſaid eight days of Saint *Michaell*, the ſaid plaint was adjourned by Writ of common adjournment, of the Soveraign Lady the Queen at *Weſtminſter* here, until the day of Saint *Michaell*, in one month then next following. At which day the ſaid plaint was further adjourned by another Writ of common

common adjournment of the ſaid Queen from *VVeſtminſter* aforeſaid; unto the city of the ſaid Queen at *Wincheſter*, in the County of *Southhampton*, here untill this day, to with in the morrow of Saint *Martin* then next following: And now here to wit at the aforeſaid City of *Wincheſter*, at this day came the aforeſaid *Henry Green* by his Attorney aforeſaid, and the ſayd Juſtices of Aſſizes, before whom, *&c.* ſent here his Record in theſe words, Afterwards, *&c.* Therefore it is conſidered that the ſaid *Plaintiffe* recover his ſaid Debt and his Damages aforeſaid to, *&c.* (as in Common Judgements) and the *Defendant* in mercy, &c. *Mercy.*

EAſter 43. Eliz. Rot. 510. *Therefore it is conſidered that the ſaid and his pledges of proſecuting be in mercy', &c. Let the names of his pledges be enquired of, &c. and that the ſaid Defendant go thereof without day*, &c. *and that he have return of his Goods and Chattells aforeſaid, and how far, &c. the Sheriffe make appear here in eight dayes of Saint* Hillary &c. *It is alſo conſidered that the ſaid Defendant recover againſt the ſaid Plaintiffe his damages to foure ſhillings foure pence by the Jury* &c. *and alſo five pounds four pence* *Judgment for the defendant in replevin, and damages, and a writ of ſecond deliverance awarded.*

pence to the ſaid defendant at his requeſt, &c: *the damages in the whole do amount unto five pounds four ſhillings eight pence. Afterwards, that is to ſay, the eight and twentieth day of* November *then next following, came here in Court the ſaid Defendant by his Attorney aforeſaid, and by the Statute* &c. *and deſireth a Writ of the Soveraign Lady the Queen of ſecond Deliverance of his Goods and Chattells aforeſaid, and it is granted to him returnable here at the aforeſaid Term*, &c.

TRin. Term 1 Jac. Rot. 108. *Afterwards* &c. *Therefore it is conſidered, that the ſaid* A. *have Execution againſt the aforeſaid* R. *of his debt and damages aforeſaid of the aforeſaid twenty acres of paſture called* Gooches *twenty acres of Land called* Shontes, *three acres of meadow, and alſo of the ſaid eight acres of Land called* Longland, *and of four acres of Land called* Little Longland *with the appurtenances in* Shimpling *aforeſaid, &c.*

Judgment for the plaintiff upon a demurrer, where the defendant by his plea prayed aid of the King.

TRin. *term* 1. *Jac. rot.* 707. Before which day the plaint &c. at which day here came as well the ſaid *L.* as the ſaid *T. T. K*

and

and *R.* by their ſaid Attorneys, and hereupon the premiſſes being ſeen, whereupon the ſaid parties above have put themſelves upon the judgment of this Court, and by the Iuſtices here fully underſtood, it ſeemeth to the Court here that the ſaid matter by the ſaid *T. T. R.* and *R.* above pleaded is not ſufficient in Law for them the ſaid *T. T. R:* and *R:* to have the aid of the Soveraign Lady the Queen in this behalf, wherefore it is conſidered that the ſaid *T: T: R:* and *R:* from having the aid of the ſaid Queen in this behalf be expelled. Therefore it is commanded the Sheriff that he cauſe to come here (ſuch a return) 12 *&c:* by whom, *&c:* & who neither &c. to recognize, &c: becauſe as well *&c:* And that the ſaid *T T R*, & *R:* anſwer the ſaid *L:* to the ſaid Treſpaſs without having the aid of the ſaid Qneen in the plea aforeſaid, whereupon the ſaid *T: T: R:* and *R.* crave licenſe thereof to imparl here untill &c. and have it &c. The ſame day is given to the ſaid *L:* here, &c.

Eaſter Term 36. *Eliz: Rot:* 1703. } Like
Eaſter Term 4. *Eliz, Rot.* 945. } preſe-
Trin Term 37. *Eliz. Rot.* 1932. } dents.

Hill.

Verdict against two Defendants and damages found severally, and costs intire, and Judgment thereupon.

Hill. 23. *Car. rot.* 673. Therefore it is considered that the said *Plaintiff* recover against the said *I.* his Damages aforesaid, by occasion of the Trespass aforesaid to the said *Plaintiff* by the said *I.* in form aforesaid done, besides his Costs and Charges aforesaid to six pence by the Jurors aforesaid in form aforesaid assessed, and against the said *T.* his Damages aforesaid by occasion of the Trespass aforesaid to the said *Plaintiff* by the said *T* in form aforesaid done, besides his costs charges aforesaid to other six pence by the same Jurors in form aforesaid likewise assessed. It is also considered, that the said *Plaintiff* recover against the said *I.* and *T.* his Costs and Charges by him about his suit in this behalf laid out to forty shillings by the Jurors aforesaid in form aforesaid likewise assessed, and also ten pounds to the said *Plaintiff* at his request, *&c.* which said Costs and charges besides the severall Damages aforesaid, in the whole do amount to twelve pounds, and the said *T.* and *I.* may be taken, &c.

Judgment for the Plaintiff upon a demurrer to part of his replication as to part of a treſpas and the defendant rejoyning to the reſidue the plaintiff demurred, and Judgment for the defendant.

Hill. 2. of *P.* and *Mary rot.* 412: At which day here cometh as well the ſaid *Plaintiffe* as the ſaid *Defendant*, by their Attorneys aforeſaid, and thereupon as well the plea aforeſaid of the ſaid *W.* to the ſaid Treſpas made in the aforeſaid Meſſuage, and one hundred Acres of Land with the Appurtenances above in Replication pleading, as the ſaid plea of the ſaid *Defendant* to the ſaid Treſpaſs made in the ſaid one hundred Acres of Meadow with the Appurtenances above in Rejoynder pleaded, being ſeen, heard, and by the Juſtices here fully underſtood, it ſeemeth to the ſaid Juſtices here, that the ſaid plea of the ſaid *Plaintiffe* in manner and form aforeſaid to the ſaid Treſpaſs made in the ſaid Meſſuage and one hundred acres of Land with the appurtenances, above in replying pleaded, is ſufficient in Law to maintain him the ſaid *Plaintiff* to have his action aforeſaid thereof againſt the ſaid *Defendant*: For which it is conſidered that the ſaid *Plaintiff* recover againſt the ſaid *Defendant* his Damages by occaſion of the Treſpaſs aforeſaid made in the ſaid Meſſuage and one hundred Acres of Land with the Appurtenances

nances beſides his coſts and charges &c. to 100 *s.* And for thoſe coſts and charges to 5 marks, out of the aſſent of him the ſaid Plaintiff by the Court here taxed, and that the ſaid Defendant be taken, &c. and it ſeemeth to the ſaid Iuſtices here, that the ſaid plea of the ſaid Defendant, as to the aforeſaid Treſpaſſe made in the ſaid 100 acres of Meadow with the appurtenances in manner and forme aforeſaid, above in Rejoynder pleaded, is ſufficient in Law to preelude him the ſaid Plaintiff from having his action aforeſaid thereof againſt the ſaid Defendant. Therefore it is conſidered, that the ſaid *W* as to the aforeſaid Treſpaſſe made in the ſaid 100 acres of Meadow with the appurtenances, take nothing by his Writ aforeſaid thereupon, but may be in mercy for his falſe plaint thereof, and that the ſaid Defendant may go there of without day, *&c.*

Judgment for the Plaintiff upon a ſpeciall Verdict.

MIch. 9 & 10 Eliz. rot: 216: *Whereupon the premiſes being ſeen, and by the Court of the Lady the Queen more fully underſtood, with all and ſingular the premiſſes, and mature deliberation thereupon had, for that it ſeemeth to the Court of the Lady the*

Queen

Queen, hereupon the whole matter aforesaid, in forme aforesaid, found that the aforesaid entry of the said W: *into the Tenements aforesaid in the possession of the said* IB *in forme aforesaid made, is a good and lawfull entry to revive the use aforesaid in the aforesaid* Beatrix, *according to the forme aforesaid, of the first Feoffment. Therefore it is considered, that the said* Beatrix *recover against the said, &c. all the damages aforesaid in forme aforesaid assessed: And also &c. And the Defendant may be taken, &c.*

Mich: 7: H: 6. 484. *In* tresp asse for breaking of a Close and taking away Cattell against *I: Gastle, I Ellys* and *M. Ellys.* And the said *I Castell* pleaded not guilty to the whole. And the said *I E.* and *M E:* pleaded as to the taking of the Cattell not guilty, and as to the breaking of the Close, they justified as servants to one *Thomas Hasely* and *Henry Hicks* as in their Freehold; And the Plaintiff saith that it is his free-hold, and the Jurors say that the said *John Castell* is guilty of the breaking of the Close, and houses aforesaid, as the said Plaintiff against him doth complaine, and as to the residue of the Trespasse aforesaid, the

Verdict against severall Defendants, and one found guilty of part of the trespas, and the residue of the Defendants of the other part, and damages severall and costs entire.

ſaid Jurors ſay that the ſaid *I F* in nothing is thereof guilty as the ſaid *I C*: within hath alleaged: And the Jurors aforeſaid further ſay upon their Oath aforeſaid, that the ſaid *I E* and *M.* are guilty of the taking and carrying away of the foure Rakes of the Goods and Chattells aforeſaid, as the ſaid Plaintiff above againſt them doth complaine: And as to the reſidue of the Treſpaſſe aforeſaid beſides the breaking of the Cloſe and houſes aforeſaid, and depaſturing, treading down and conſuming of the Graſs aforeſaid, the ſame Jurors ſay upon their oath that the ſaid *I E.* and *M.* in nothing are thereof guilty as the ſaid *I E* and *M.* have above alleaged. And the Jurors aforeſaid further ſay upon their Oath, that the Cloſe and Houſe aforeſaid, and alſo the place, in which the Graſſe aforeſaid was growing the ſaid time in which it is ſuppoſed the Treſpaſſe aforeſaid to be made, were the ſoyle and freehold of the ſaid Plaintiff. and not the ſoyle and freehold of the ſaid *T* and *H.* as the ſaid Plaintiff hath above alleaged, and they aſſeſſe the damages of him the ſaid Plaintiff, by occaſion of the breaking of the Cloſe and Houſes aforeſaid, to 30 *s.* and by occaſi-

on

on of the taking and carrying away of the foure Rakes aforeſaid to 24 *s.* Therefore it is conſidered that the ſaid Plaintiff may recover againſt the ſaid *Jo. Caſtle*, *I Elis* and *M E* his damages aforeſaid, by occaſion of the breaking of the Cloſe and Houſes aforeſaid to 30 *s* above aſſeſſed: And againſt the ſaid *I E* and *M* by occaſion of the taking and carying away of the ſaid foure Rakes, and depaſturing, treading downe, and conſuming of the Graſſe aforeſaid to 2 *s*: 4 *d.* in forme aforeſaid aſſeſſed: And againſt the ſaid *I. C. IE.* and *M.* his damages aforeſaid, for the Coſts and Charges aforeſaid to 46 *s.* 8 *d.* by the Jurors aforeſaid, in forme aforeſaid aſſeſſed: And the ſaid *Jo. I.* and *M:* may be taken, &c.

The ſame otherwiſe.

Paſc: 2. *E.* 6 *rot:* 346. In Treſpaſſe againſt *E Shere* and *J Sherland* for takeing, leading, and driving away a horſe one Oxe and 4 ſheep, the Defendants, plead not guilty: And at the Aſſizes, the Jurors ſay upon their Oath that the ſaid *W* is guilty of the taking and driving away of the Horſe aforeſaid, as, *&c.* And they aſſeſſe the damages of him the ſaid Plaintiff by that occaſion, beſides coſts,

&c. to 12 *d.* And for thoſe coſts to 13 *s.* 4 *d.* The ſaid Iurors alſo ſay upon their Oath, that the ſaid *W.* in no manner is guilty of the reſidue of the taking and driving away of the Oxe and Sheep within written as the ſaid *W.* within hath alleadged. The ſaid Iurors alſo ſay upon their Oath that the ſaid *Jo.* is guilty of the taking and driving away of the foure ſheep within written, as the ſaid Plaintiff within thereof againſt him hath complained. And they aſſeſſe the damages of the ſaid Plaintiff by that occaſion, beſides his coſts, *&c.* to 7 *s.* And for thoſe coſts to 12 *s.* 4*d.* The ſaid Iurors alſo ſay upon their Oath, that the ſaid *John* in no manner is guilty of the taking and driving away of the Horſe and Oxe within written, as the ſaid *Jo.* within hath alleadged. Therefore it is conſidered, That the ſaid Plaintiff may recover againſt the ſaid *W.* his damages by occaſion of the taking and driving away of the Horſe aforeſaid, beſides his coſts, *&c.* to 12 *d.* by the Iurors aforeſaid, in forme aforeſaid aſſeſſed, and againſt the ſaid *John* his damages aforeſaid, by occaſion of the taking and driving away of the Oxe and foure Sheep aforeſaid, beſides

ſides coſts, *&c.* To ſeven ſhillings by the Iurors aforeſaid, in forme aforeſaid aſſeſſed, and it is alſo conſidered, that the ſaid Plaintiff may recover againſt the ſaid *W* and *I.* his damages for his coſts and charges by him about his Suit in this behalfe expended to twenty ſix ſhillings and 8 *d.* by the Jurors aforeſaid, in forme aforeſaid aſſeſſed. And alſo 53 *s.* 4 *d.* to the ſaid Plaintiff at his requeſt, &c. which ſaid damages for the coſts, &c, in the whole do amount to 4 *l.* And the ſaid Defendants may be taken, &c. And likewiſe the ſaid Plaintif in mercy for his falſe plaint againſt the ſaid *W* and *I.* of that that they the ſaid *W* and *I* are ſeverally acquitted. And the ſaid Defendants may go hereof without day, *&c.*

Not guilty as to part of the treſpaſſe, and a demurrer to the reſidue, and the Defendants found guilty, and execution ſtayed till the demurrer be argued.

Hill. 31 *H* 61 *rot.* 322. *Trin:* 18. *E.* 4 155 *H* 34 *H* 6 *rot.* 403. In Treſpaſs the Defendants ſay for part not guilty, and to the reſidue plead in Barr, and the Plaintif demurreth in Law upon the Bar, and a *Ven. facias* returned.

and a *Niſi prius* awarded for the generall iſſue: Afterwards the proceſs continued between the parties aforeſaid as to this, whereof it is above pleaded to the iſſue of the Country, by the Jury thereof between them is reſpited here untill at this day (that is to ſay) in three weeks of Saint *Michaell* then next following, unleſs &c. and the ſaid Juſtices &c. afterwards &c: who ſay upon their oath, that the ſaid *Defendant* is guilty of the whole treſpaſs within ſpecified beſides the taking and driving away of the within written twenty Sheep, whereof it is above pleaded into Judgment, and they aſſeſs the Damages of the ſaid *Plaintiff* by occaſion of the Treſpaſs aforeſaid, whereof the ſaid *Defendant* is above found guilty, beſides coſts, *&c.* to 32*l.* 13*s.* and 4*d.* and for thoſe coſts, *&c.* to 40*s.* and alſo they aſſeſs the Damages of the ſaid *Plaintiff*, by occaſion of the taking and driving away of the ſaid twenty ſheep, if it ſhal happen Judgment for the ſaid *Plaintiff* to be rendred to ſix pounds. Therefore it is conſidered that the ſaid *Plaintiff* may recover againſt the ſaid *Defendant* his Damages aforeſaid (by occaſion of the Treſpaſs aforeſaid, whereof the ſaid *Defendant*

fendant is found guilty) above aſſeſſed, and the ſaid *Defendant* may be taken, &c. And let the Execution thereof ſtay untill the plea aforeſaid between the ſaid *Plaintiff* and the ſaid *Defendant* be determined &c. And as to thoſe Damages which for the Coſts and Charges aforeſaid are aſſeſſed, the Judgment thereof is reſpited untill thereof it be rendred of that which is above pleaded into the Judgment of the Court, and a day is given as well to the ſaid *Plaintiff* as the ſaid *Defendant* here untill in eight dayes of Saint *Hillary* of hearing the Judgment thereof, for that that the juſtices here thereof not yet, &c.

Treſpaſs againſt 4. Defendants 2. juſtifie and the plaintiff demurs to them, the other prayeth aid of the King, and the laſt confeſſeth the action, the demurrer being overruled for the plaintif a writ of enquiry awarded, and damages found, and the plaintiff will not proſecute againſt him that prayeth aid.

Mich. 30: *H.* 6. *rot.* 584. In Treſpaſs againſt four Defendants, two ſeverally by virtue of a plaint levied in the Coutt of *Pypowders*, and the *Plaintiffe* demurreth in Law upon that plea, and the other ſaith, that the place in which, &c. is parcell of the Mannor of *Swaffham* whereof the Lord the King is ſeiſed in his Demeſne as of Fee, and as Bailiffs of the Lord the King, he juſtifieth the Treſpaſs and this he is ready to aver, whereupon he doth not intend that the Iuſtices here

to the Lord the King will further proceed in the plaint aforesaid uncouncelled, and prayeth he may have aid of the Lord the King &c: and hereupon a day is given as well to the said *Plaintiff* as the said *Defendant* here in eight dayes of Saint *Hillary* &c. And hereupon it is said to the said *Plaintiff*, that in the mean time he may follow the power of the said Lord the King, *&c.* and the fourth *Defendant* saith that he is not informed', and a day is given untill in eight daies of Saint *Hillary* of hearing *&c.* At which day here cometh as well &c: as &c. by their Attorneys aforesaid, and because it seemeth to the Court here, that the said pleas of the said *Defendants* above severally pleaded, are not sufficient in Law to preclude the sayd *Plaintiffe* from having his Action aforesaid against them: And he who sayth that he is not informed, and also against him who prayeth Ayd of the King, if it shall happen him of the Trespasse aforesayd to be convicted, ought to recover, and a Writ of Enquiry of Damages awarded returnable in three Weekes of *EASTER*, and the same day is given as well to the sayd *Plaintiffe* as the said *Defendant* who prayeth Ayd here

here, &c. And it is ſaid to the ſayd Plaintiffe, that in the meane time he follow the Power of the ſayd Lord the King, &c. for that not yet, &c: And at the ſayd three Weeks after *Eaſter*, the Writ of Enquiry of Damages returned, and Damages by the Inquiſition found to be ninety ſeven pounds, and becauſe the Iuſtices, &c. upon the pleas and Inquiſition aforeſaid before they render judgment thereof, a day is given to the ſayd Plaintiff of hearing their jndgement thereof, and likewiſe to the ſayd *S.* who prayeth Ayde of the Lord the King here in eight dayes of the Holy *Tinity*, and it is ſayd to the ſayd Plaintiffe, that he follow the power of the ſayd Lord the King for that not yet &c. At which day here cometh as well the ſayd Plaintiffe as the ſayd *S.* by their Attorneys aforeſaid, and hereupon the pleas and Inquiſition aforeſaid being read, and by the Court here more fully underſtood, it is conſidered that the ſayd plaintiffe may recover againſt the ſayd Defendants his Damages aforeſaid by occaſion of the Treſpas aforeſaid to the ſaid 97 *l.* by the Inquiſition aforeſaid in form aforeſaid found, & the ſaid *Defendants* may be taken, *&c:* And

And hereupon the ſaid *Plaintiffe* confeſſeth here in Court himſelf not further to proſecute againſt the ſaid *S.* of the plea aforeſaid: Therefore the ſaid *Plaintiff* may have his Execution againſt the ſaid other three *Defendants* &c.

Demurrer to the defendants plea at the Aſſizes.

Aſch. 26. *H.* 6. *rot.* 416. Afterwards the proceſs thereof continued between the ſaid *Iohn Langly*, and the ſaid *Iohn Hulband*, *W.B. R.C. I.T.* and *I.C.* by the Jurors thereof was reſpited between them here untill &c: unleſs *&c.* and now *&c.* afterwards &c. and one of the *Defendants* plead and another made default and the other appeared and ſaid nothing, and the Juſtices did not take the Jury, *&c:* And hereupon the ſaid *J. Langly* not acknowledging any thing by the ſaid *W: B:* above alleadged ſaith, that he to the ſaid plea of the ſaid *W.B.* before the ſaid Juſtices at the Aſſizes in manner and form aforeſaid pleaded, had no need neither by the Law of the Land was held to anſwer, wherupon he prayeth judgment and his damages againſt the ſaid *W.* by occaſion of that treſpas to him to be adjudged, &c. and againſt the ſaid *J.H* and *R.C.* &c. prayeth judgment, and that the Juſtices

ſtices here to the taking of the Jury aforeſaid may proceed *&c.* And the ſaid *W.B.* out of which his plea aforeſaid before the ſaid Juſtices at the Aſſizes in forme aforeſaid pleaded, is ſufficient in Law to preclude the ſaid *J. Langly* from maintaining his Action aforeſaid againſt him the ſaid *W.* as he hath above alleadged, which he is ready to aver, which ſaid matter the ſaid *I.L.* doth not deny, nor to the ſame in any wiſe doth anſwer, but that averment to admit doth altogether refuſe, he prayeth judgment, and that the Juſtices here to the taking of the jury aforſaid between the ſaid *I L* and the ſaid *I H* and all the other *Defendants* beſides the ſaid *W B* notwithſtanding of the ſaid plea of the ſaid *W: B:* before the ſame Juſtices at the Aſſizes pleaded, ought to have proceeded: Therefore the jury aforeſaid between the ſaid *I:L:* and the ſaid *I. H. R.C: I:M:* and *I.C.* is reſpited here untill in eight dayes of Saint *Hillary*, unleſs *Richard Newton* cheif Iuſtice of the Lord the King of the Bench here aſſigned by the Forme of the Statute, &c. on Monday, &c. at *B.* ſhall firſt come, &c: the Sheriffe have their bodies, &c: And as to the Reſidue of the matter in the

the ſaid plea, contained before the ſaid juſtices at the ſaid Aſſizes by the ſaid *VV. B.* pleaded, Day is given to the ſaid *I: L.* and *W. B.* here at the ſame eight dayes of Saint *Hillary* of hearing *&c* At which day here cometh as well the ſaid *I: L:* as the ſaid *VV. B.* by their Attorneys aforeſaid, and the ſaid cheif juſtice before whom, *&c.* Sent, *&c*, Afterwards, *&c*: And becauſe the Juſtices here will further adviſe, *&c*, in three Weekes of *EASTER*, of hearing, *&c.* At which day here cometh as well, *&c.* as, *&c.* And hereupon as well the Record and Verdict aforeſaid as the ſaid plea, by the ſaid *W: B.* before the ſayd juſtices at the ſaid Aſſizes pleaded, being ſeen, and by the Court here more fully underſtood, it is conſidered that the ſaid *John Langly* may recover againſt the ſaid *J. H. R. C. T. A*, and *I. C.* as againſt the ſaid *W. B:* for that, that it ſeemeth to the ſaid Juſtices here, that the ſaid plea and the matter of the ſaid *W* before the ſaid Juſtices at the Aſſizes pleaded and alleadged is not ſufficient in Law to preclude him the ſaid *I L.* from having his action aforeſaid againſt him the ſaid *W.* and alſo

ſo againſt the ſaid *T M.* which ſaid *T M.* of the Treſpaſſe aforeſaid formerly by his default is convicted as it appeareth in the Terme of Saint *Michaell* in the 25th. yeare of the Raign of the now Lord the King, *rot.* 627, &c. his damages aforeſaid to the ſaid 400 *l.* and 15 *l.* by the Jurors aforeſaid in forme aforeſaid found. And the ſaid I *H.RT. A I.I* and *C W.* may be taken, &c. And the ſaid *I L.* in mercy for his falſe plaint againſt the ſaid *I H R C T A* and *I C.* as to the reſidue of the Treſpaſſe aforeſaid: whereof they &c. are acquitted, and they the ſaid *I H.* &c. Of the reſidue of the ſaid Treſpaſſes may go thereof without day, *&c.*

Paſc. 14 *H.* 6 *rot.* 345: The Plaintiff declareth in Treſpaſs againſt one that he and another together, &c. The Defendant ſaith, that he is not guilty. The Jurors ſay, that he is guilty of part, and not guilty of the reſidue. And becauſe the Damages which the ſaid Plaintiff ſuſtained, by occaſion of the Treſpaſſe aforeſaid, whereof the ſaid Defendant is found guilty by the Jurors of a certaine Inquiſition, be-

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tween the ſame Plaintiff the ſaid Defendant in the *Simul* here at this day taken) are aſſeſſed as it appeareth in the Terme of Saint *Michaell* in the 15th yeare of the Raign of the now Lord the King, *rot.* 96. Therefore the Jurors of that Jury of any damages in this behalfe to be aſſeſſed, are wholly diſcharged, &c.

The Defendant Demurreth upon the Evidence.

Piſc. 29 *H.* 6 *rot.* 141. Treſpaſſe againſt one in the *Simul*, the Plaintiff declareth for damages to the value of 40 Marks, And the Iurors aſſeſſe damages as well by occaſion of the Treſpaſs aforeſaid, as for coſts, &c. to 48 *l.* Therefore it is conſidered that the ſaid Plaintiff may recover againſt the ſaid Defendant 40 Marks only, for that that he of more damages did not declare: And the ſaid Defendant may be taken, *&c.* And hereupon the ſaid Plaintiff by his Attorney aforeſaid confeſſeth here in Court himſelfe not further to proſecute againſt him the ſaid Defendant in the *Simul* in the ſaid Plea: Therefore no Proceſſe may be made againſt him, &c. And the ſaid Plaintiff may have execution againſt the ſaid Defendant of the damages aforeſaid *&c.*

Where-

Whereupon the ſaid Plaintiff as before prayeth Judgment upon the Record proceſſe and Verdict aforeſaid to him to be rendred, &c. And his damages aforeſaid by the Jurors aforeſaid, in forme aforeſaid to him to be adjudged, &c. Therefore it is conſidered, that the ſaid Plaintiff recover againſt the ſaid *G.* his damages aforeſaid by the Jurors aforeſaid in forme aforeſaid aſſeſſed, whereupon the ſaid Plaintiff here in Court, remitteth to the ſaid *G.* 5 Mark: of the damages aforeſaid &c. And in the meane time the execution of the damages aforeſaid may ceaſe, untill the plea aforeſaid, between the ſaid Plaintiff and the ſaid Defendant be determined, &c. Afterwards (that is to ſay) ſuch a day and yeare cometh here in Court the ſaid Plaintiff by his Attorney aforeſaid, and ſaith that the ſaid plea between him the ſaid Plaintiff and the ſaid *E.* is determined as it appeareth in the Terme of Saint *Mich*, in the year, &c. *rot.* 305. And for that that the ſaid *E* of the Treſpaſſe aforeſaid by the Iurors of the Country is found guilty, the ſaid Plaintiff prayeth, he may have execution of the ſaid 50 Marks

of

of the damages aforeſaid as well againſt him the ſaid *E.* as againſt the ſaid *G.* &c.

The Defendant demurreth upon the Evidence.

TRin. 2 H 8 *rot.* 333 In Treſpaſſe the Plaintiff declareth for damages to 100 *s.* The Defendant pleadeth not guilty. And at the Aſſizes the Defendant demurreth in Law upon the evidence of the Plaintiff, and the Iurors aſſeſſe damages for the Plaintiff (*De bene eſſe*) beſides coſts, &c. to 40 *s.* And for coſts, &c. to 5 *l.* And hereupon as well the matter given in evidence, as all and ſingular the premiſſes being ſeen and heard, and by the Iuſtices here more fully underſtood, And for that, that in the Declaration of the ſaid Plaintiff it appeareth to the Court here, that the ſaid Plaintiff in his Declaration aforeſaid hath not declared of more damages for the Treſpaſſe aforeſaid then of the damages of 100 *s.* Therefore it is conſidered that the ſaid Plaintiff recover againſt the ſaid Defendant his damages aforeſaid to 100 *s.* of the damages aforeſaid, in forme aforeſaid aſſeſſed. And the ſame Defendant may be taken, &c.

HIll. 34. H. 8 *rot.* 430. And ſome of the ſame Jurors (to wit) *A* and *B.* for

for that that they are found to be ſuſpected between the parties aforeſaid are wholly put out from that pannell. And hereupon the ſaid Plaintiff ſaith, that the ſaid *F S* late one of the Coroners aforeſaid from that Office is long ſince amoved; And one *M H.* into that Office, in the place of the ſaid *F* is now newly choſen, And for that cauſe the ſaid Plaintif prayeth the Writ of the Lord the King, as well of the diſtraining of the Iurors of the pannell aforeſaid, as of adding of 10 *Tales*, &c. to the ſaid *E D. EF. G H* and *M* ſeven Coroners, &c. to be directed. And becauſe the ſaid Defendant this doth not deny, to him it is granted, &c. Therefore the Iury aforeſaid is further reſpited here, untill in 8. dayes of Saint *Hillary* for default of Iurors, &c. Therefore the ſaid *C D. E F. G H* and *M* the ſeven Coroners may have their Bodies, &c. And add 10. *Tales*, &c. ſo that the *F S*: the other Coroner, &c. do in no wiſe intermeddle therewith, *&c.*

Paſc. 14 *Eliz. rot.* 642. At which day the Iury, *&c.* Therefore it is conſidered that the ſaid *A* may recover againſt

the ſaid *B* his damages aforeſaid, to the ſaid 40 *l.* by him the ſaid *A* above declared, and the ſaid Defendant in mercy, *&c.*

The plaint adjourned, and after the Defendant relinquiſheth his plea & the Plaintiff remitteth all damages to be adjudged.

Mich. 16 and 17 *Eliz. rot:* 414. At which day the plaint aforeſaid was adjourned by the Writ of Adjournment of the ſaid Lord the King, untill at this day (that is to ſay) from the day of Saint *Michaell* in one Moneth then next following. And now here at this day cometh as well the ſaid *A* as the ſaid *B* by *&c.* And hereupon the ſaid *B* relinquiſhing his averment aforeſaid by him above pretended ſayth, that he cannot deny the action aforeſaid of the ſaid *A* nor but that he is guilty of the Treſpaſs aforeſaid in the ſaid one Acre of Land called *P* of new aſſigned above ſuppoſed to be done as the ſaid *A* above againſt him doth complain; And hereupon the ſaid *A* freely here in Court remitteth the ſaid *B.* what damages ſoever to be adjudged to him, by occaſion of the Treſpaſs aforeſaid: Therefore the ſaid *I* of thoſe Damages by that occaſion to be adjudged is acquitted, *&c.*

Judgements in Waſte:

AT which day the Jury, *&c:* Unleſs *&c.* Whereupon for that that it appeareth to the Court here, that the ſaid Terme of 21 years by the ſaid late Queen to the ſaid *R* granted, is fully paſt. It is conſidered that the ſaid *H* recover againſt the *H* his treble damages aforeſaid by occaſion of the waſt aforeſaid done in the ſaid places waſted according to the forme of the Statute, &c. Which ſaid treble damages in the whole do amount to 26*l*: And the ſaid *H* in mercy, *&c:* And alſo the ſaid Plaintiff in mercy for his plaint againſt the ſaid *H* for the reſidue of the waſt aforeſaid, in the reſidue of the Tenements aforeſaid with the appurtenances above demiſed above ſuppoſed to be done, whereof the ſaid *H* by the Jurors aforeſaid is above acquitted: And the ſaid *H* may go thereof without day *&c.*

Judgement for treble damages for part & the reſidue for the Defendant.

The like *Mich.* 12 *Car. rot.* 1238.

The Plaintiff to recover his ſeiſin and damages.

THerefore it is conſidered that the ſaid Plaintif recover his ſeiſin againſt the ſaid Defendant of the ſaid places waſted by the view of the Jurors aforeſaid, and his damages *&c.* (as above untill) in mercy, *&c.* And hereupon the ſaid Plaintiff prayeth the Writ of the Lord the King to the Sherif of the County aforeſaid to be directed of cauſing her to have full ſeizin of the ſaid places waſted. And to him it is granted returnable here in 15 dayes of, *&c.*

Returne of the writ of ſeiſin.

AT which day here cometh the ſaid Plaintiffe by his Attorney aforeſaid, And the Sheriff (to wit) *A B.* Eſquire now returneth, that he by vertue of the Writ aforeſaid to him directed, the firſt day of *November* laſt paſt, had cauſed the ſaid Plaintiff to have full ſeiſin of the ſaid places waſted, as by that Writ to him it was commanded, *&c.*

Venire acias *continued.*

TRin. 7. Car. rot. 334. From which day the Jury, &c. Unleſſe, &c. Afterwards, &c. Therefore the Jury aforeſaid is further reſpited here untill in the morrow of the *Holy Trinity*, as well for default

default of Veiw, &c. as for default of Jurors. &c. Therefore the Sheriff may have their bodies, &c. And may, add 10. *Tales*, &c.

Judgement for the Plaintiff upon a demurrer, & the Plaintiff remitteth part of the damages and writ of Inquiry *awarded for the residue.*

TRin. 19 *Jac. rot.* 3120. The Demurrer and issue continued untill, &c. At which day here cometh as well the said Plaintif as the said Defendant, by their Attornyes aforesaid. And hereupon the said plea of the said Defendant above in Barre pleaded being seen, whereupon the parties aforesaid have above put themselves into the Judgement of the Court, and by the Justices here fully understood, it seemeth to the said Justices here, that that plea and the matter in that plea contained is not sufficient in Law to preclude the said Plaintif from having his action aforesaid against the said Defendant thereof as the said Plaintiff hath above thereof alleaged, whereupon the said Plaintiff freely here in Court acknowledgeth himselfe not further to prosecute against the said Defendant of the wast aforesaid done in the Lands aforesaid whereof the issue aforesaid is above joyned to be tryed by the Country, but further to prosecute against the said Def. doth wholly disavow & refuse & prayeth

Judgment of the waſt aforeſaid in the Woods aforeſaid above made to him to be adjudged, &c. And becauſe it appeareth to the Court here, that the ſaid Terme of 50 yeares is fully paſt: And that the ſaid Plaintiff his damages, by occaſion of the waſt of the felling and deſtroying of the Wood aforeſaid, only againſt the ſaid Defendant ought to recover. But becauſe it is unknown what damages the ſaid Plaintiff ſuſtained by occaſion of the waſt of that felling and deſtroying. It is commanded to the Sheriff, that in his proper perſon, he may go to the ſaid Tenements waſted, and there cauſe to come 12 &c. Of the view aforeſaid by whom, &c. And whom neither the ſaid Plaintif nor the ſaid Defendant have any affinity with. And by their Oath diligently inquire what damages the ſaid Plaintiff ſuſtained by occaſion of the waſt of the felling and deſtroying aforeſaid of the Wood aforeſaid, and the Inquiſition which, &c. The Sheriff make manifeſt here in 8 dayes of Saint *Mich.* under the Seale, &c: And the Seales, *&c.*

Verdict

Verdict quaſhed:

Verdict quaſhed, the renewing of the Venire fac. being miſtaken.

TRin: 55 *Jac. rot.* 1942. At which day the Jurors,&c. Afterwards &c. the Court will adviſe, &c. At which day here cometh as well the ſaid Plaintiff as the ſaid Defendant by their Attorneys aforeſaid. And hereupon the ſaid Defendant ſayth that, that the Juſtices here ought not to proceed to render their Judgment of and upon the premiſſes becauſe he ſaith that the Writ of cauſing to come here 12 *&c.* out of the Court here to the ſaid Sheriff did iſſue, commanding him that he ſhould cauſe to come here, 12, *&c.* to try the iſſue aforeſaid above joyned of the Neighbour-hood of *Ellington*; only whereas that Writ of right ought to have iſſued to the Sheriff of the County aforeſaid commanding him that he ſhould cauſe to come 12: *&c.* of the Neighbourhood of the Mannor and Rectory of *Ellington* to try that iſſue, as by the Record aforeſaid ſufficiently appeareth, and ſo that Writ aforeſaid, out of the Court unadviſedly and un-

unduely did iſſue, requiring that the Writ aforeſaid together with the pannell of the names of the Jurors, and the proceſs thereupon returned may be annulled and held for nought, whereupon the Record and proceſs aforeſayd being ſeen and by the Court here fully underſtood, it ſufficiently appeareth to the ſaid Juſtices here, that the aforeſaid Allegation of the ſaid *Defendant* in this behalf to be true, and the Writ aforeſaid out of the Court unadviſedly and unduely to have iſſued: Therefore it is conſidered, that the ſaid Writ and pannell aforeſaid thereupon returned, and alſo the whole proceſſe thereupon following, may bee voide and held for nought, and hereupon the ſayd *Plaintiffe* prayeth another Writ of the Lord the King to the Sheriffe of the County aforeſayd to be directed, of cauſing to come of new here twelve, &c. of the View of the Mannor and Rectory of *E.* aforeſayd, to try the Iſſue aforeſaid above joyned, and to him it is granted, *&c*: Therefore it is commanded the Sheriff, that he cauſe to come of new (ſuch a day) twelve, &c. of the Neighbour-hood of the Mannor

and

and Rectory of *Ellington* aforeſaid, by whom, &c: And who neither, *&c.* to Recognize, &c. Becauſe as well, *&c.*

Trin. Term 1. *Jac. rot.* 1320. Afterwards, that is to ſay, in eight daies of Saint *Hillary* then next following here to wit at *Weſtminſter* which ſayd day the ſaid *T.* and the aforeſaid *R.* had prefixed by the ſaid Biſhop at *Durham*, within his Liberty, there to hear their Judgment, now here to wit at *Weſtminſter* came the ſayd *T.* by his ſaid Attorney, and the aforeſaid Biſhop of *Durham* ſends here the ſayd Record with the whole proceedings had in the premiſes before the Juſtices itinerant of the ſaid King within the liberty of the ſaid Biſhop in theſe words, Afterwards, *&c:* whereupon the premiſſes being ſeen, and by the Juſtices here fully underſtood, it is conſidered that the ſaid *T.* recover againſt the ſaid *K.* his reaſonable part, (that is to ſay) the eighth part of a third part of the Goods and Chattells aforeſaid, of the Goods and Chattells which were of the ſaid *C.* his Father, being in the hands of the ſaid *K:* to be levied, which do amount to the aforeſaid

ſaid ſum of forty pounds, and his Damages by occaſion of detaining of the ſaid Goods and Chattells to 40 ſhillings two pence by the Jury, &c. and alſo nine pounds nine ſhillings ten pence to the ſaid *I.* at his requeſt, &c. Damages in the whole do amount unto eleven pound ten ſhillings of the ſame Goods and Chattells if he have ſo much thereof in his hands, &c. and if he have not', then the aforeſaid eight part of the third part of the Goods and Chattells aforeſaid to the value of forty pounds of the Damages aforeſaid of the proper Goods and Chattells of the ſaid *R.* to be levied, and the aforeſaid *R.* in mercy, &c.

Mercy.

Verdict and Judgment upon the Statute of Hue and Cry for the plaintiff.

After Term 2 *Jac: rot.* 1120. And now here at this Day cometh as well the ſaid *I.* who &c. as the ſaid Inhabitants of the Hundred of *Hinckford*, by their ſaid Attorneys, and the Jury being thereof impannelled and called, likewiſe came, who being Elected, Tryed and Sworn to ſpeak the truth of the matter within contained, ſay upon their oathes that the ſaid Inhabitants of the ſaid Hundred of *Hinkford*, are guilty of the premiſſes impoſed upon them, as the ſaid *I.* who &c.

above

above againſt them complaineth, and they do aſſeſs the Damages of the ſaid *I.* who as well, &c. by reaſon of the premiſſes beſides his Coſts &c. to thirty five pounds, and for thoſe Coſts, &c: to twelve ſhillings. Therefore it is conſidered that the ſaid *I.* who as well, &c: recover againſt the ſaid Inhabitants, his Damages aforeſaid to thirty five pounds one ſhilling, and alſo fourteen pounds nine ſhillings to the ſaid *I.* who as well, &c. at his requeſt, &c: the Damages in the whole amount unto fifty pounds, and the ſaid Inhabitants in mercy, &c: *Mercy.*

Judgement for the Defendant upon a demurrer.

T *Rin. Term* 11. *Car. rot.* 1346. The Court will adviſe, *&c.* And hereupon the premiſſes being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the Juſtices here, that the ſaid Writ of the aforeſaid *Plaintiff*, and the Declaration therupon made, are inſufficient in Law to maintain him the ſaid *Plaintiffe* to have his ſaid Action againſt the ſaid *Defendant* therefore omitting the giving of Judgment upon the aforeſaid verdict, it is conſidered, that the parties aforeſayd goe thereof without day, *&c.*

Hillary

Judgement against a man and his wife, where the wife did the injury, and the man acquitted of the trespas.

HIllary Term 11. *Car. rot.* 1354. Trespass and assault by the wife, therefore it is considered that the said *Plaintiff* recover against the said *Charles* and *Katherine* his sayd Damages to thirteen pence by the Jury &c. and also six pounds eighteen shillings and eleven pence to the said *Plaintiffe* at his request, &c. Damages in the whole amount to seven pounds, and the sayd *Charles* and *Katherine* be taken, &c. and the aforesayd *Plaintiffe* in mercy for his false complaint against the said *Charles*, of the Trespass and assault aforesaid whereof the said *C.* by the jury aforesaid is above acquitted, and the said *Charls* thereof goeth without day, &c.

Taken. Mercy.

Issue joyned as to part, and a Venire *awarded and continued and the Defendant offered to wage Law, but made default, and Judgment for the plaintiff as to that, and will not further prosecute as to that part put in issue.*

HIll. 11. *Car. rot.* 2454. In eight daies of the Purification, *&c.* At which sayd eight daies of the Purification, *&c.* here came the parties &c. and as to the said twentythree shillings & six pence wherof the said parties above pleaded to issue to be tryed by the Country, the Sheriff sent not the Writ: Therefore as before the Sheriff is commanded that he cause to come here from the day of *Easter* in fifteen daies twelve *&c*: to recognize in form aforesaid, &c. At which day here came

the

the ſaid *Thomas* by his ſayd Attorney, and as to the ſaid ſixteen ſhillings and ſix pence of the Debt aforeſaid, whereof the ſayd *G.* his ſaid Law above waged, offered himſelf the fourth day againſt the ſaid *George*, of a plea, that he be here at this day to perfect thereof his ſayd Law, &c. as the ſame is above thereof waged, and he being ſolemnly called came not, but made default, whereupon the ſaid *Tho.* freely here in Court that he will not further proſecute againſt the ſayd *G* for the ſayd 1 *l.* 3 *s.* 6 *d.* for which iſſue is above joyned to be tryed by the Country, and requeſteth judgment for the ſayd 16 *s.* 6 *d.* together with his Damages by occaſion of the detaining of the ſayd ſixteen ſhillings ſix pence to him to be adjudged, &c: Therefore it is conſidered that the ſaid *Thomas* recover againſt the ſaid *George* the ſame ſixteen ſhillings ſix pence of the ſaid Debt, and his Damages by occaſion of the detaining of that debt to fifty ſhillings to the ſaid *Thomas* of his aſſent by the Court here adjudged, and the ſaid *George* in mercy, &c. And the ſayd *George* of the aforeſaid twenty three ſhillings ſix pence reſidue of the ſaid forty ſhillings be quiet, &c.

Trin.

Satisfaction acknowledged before a Judge by an Attorney by vertue of a warrant to him made.

T*Rin.* 11: *Jac. rot:* 2196. Afterwards to wit the third day of *June* in the 12 yeare of the Raign of the late Lord King *Charles* over *England*, *&c.* before *Richard Hutton* Knight, one of the Juſtices of the ſaid King of the Common Bench here at his Chamber, Scituate in *Serjeants Inne Chancery-Lane*, *London*, cometh as well the ſaid *T* by *Wil: Smithſon* his Attorney by ſpeciall warrant, to him in this behalfe made. And acknowledgeth that he is ſatisfied of the damages aforeſaid. Therefore the ſaid *Prudence* of theſe damages bequiet, *&c.*

Verdict part for the plaintiff and part for the Defendant upon two ſeverall iſſues and Judgement accordingly.

T*Rin.* 18. *Jac. rot.* 3134. did aſſume for one iſſue, did not aſſume for the other. Therefore it is conſidered that the ſaid *John* recover againſt the ſaid *Edmund* his ſaid damages to 40 *s.* and 6 *d.* by the Jury, *&c.* and alſo 7 *l.* 19 *s.* 6 d. *&c:* which ſaid damages do in the whole amount unto 10 *l.* And the ſaid *Edmund* thereof in mercy, *&c.* And alſo the ſaid *John* in mercy for his falſe complaint againſt the ſaid *Edmund* of the reſidue of the premiſſes aforeſaid, whereof the ſaid *Edmund* is above acquitted by the ſaid Jury

Jury, and the ſayd *Edmund* go thereof without day, &c.

Plaintiff remits part and prayeth judgment for the reſidue.

Hill. 19. *Jac. rot.* 3097. *Trin* 32 *Eliz rot.* 1750. *Hill.* 36. *Eliz. rot.* 1517. In eight dayes of the Purification, &c. At which day the Jury, *&c.* and now here at this day came the aforeſaid *Edward* by his ſaid Attorney, and the ſaid Juſtices, &c. Afterwards, &c. and hereupon the ſaid *Edward* freely here in Court doth remit to the ſaid *Jo. Fernly* the younger, and *Jo. Fernly* the elder the ſaid two pence by the Jury aforeſaid againſt the ſaid *John Fernly* the elder aſſeſſed, and demandeth Judgment againſt the ſaid *Jo. Fernley* the elder of and upon the Verdict aforeſaid, and alſo againſt the ſaid *Jo. F.* the Elder, and *Jo.F.* the younger, of the reſidue of the ſaid damages by the Jury aforſaid in form aforſaid found to him to be adjudged, &c. therfore 2 *d.* of the ſaid Damages as aforeſaid found being remitted, deducted, and allowed, it is conſidered that the ſaid *Edward* recover againſt the ſaid *Jo:F.* the elder his ſaid Term of and in the Tenements aforeſaid with the Appurtenances yet to come, and againſt the ſayd *Jo. F:* the elder, and *Jo:F:* the younger, the reſidue

Judgment to have poſſeſſion of Land.

ſidue of the ſayd Damages to forty ſhillings and two pence by the Jury *&c:* and alſo ſix pounds nine ſhillings ten pence to the ſayd *Edward* at his requeſt, &c. which ſaid Damages in the whole do amount unto eight pounds & ten ſhillings, and the ſaiyd *Jo.F.* the elder, and *Jo.F.* the younger, be taken, &c: and hereupon the ſaid *Edward* demandeth a Writ of the late King to the Sheriff of the ſaid County directed, to cauſe to be had to him his poſſeſſion of his ſayd Term of & in the Tenements aforeſaid with the appurtenances yet to come, and it is granted to him returnable here in the morrow of the *Holy Trinity*, &c.

T *Rin.* 20. *Jac. rot.* 1824. The ſame Term and year *rot:*693 Afterwards *&c.* whereupon the ſaid *William* and *Alice*, for that they by their ſayd Declaration, complained that they were worſe, and had Damages to the value of forty pounds only do freely here in Court remit to the ſaid *John* twenty ſix pounds thirteen ſhillings four pence of the ſaid Damages by the Jury aforeſaid, in forme aforeſaid aſſeſſed, and the increaſe thereof to them to be adjudged, *&c.* Therefore

fore the ſaid 26*l.* 13*s:* 4*d.* being remitted. It is conſidered that the ſaid *William* and *Alice* recover againſt the ſaid *Io.* 40*l.* reſidue of the ſaid 66*l.* 13*s:* 4*d.* for their ſaid damages by the Jury aforeſaid in forme aforeſaid aſſeſſed. And the ſaid twenty ſhillings for their ſaid coſts and charges by the ſame Jury in forme aforeſaid likewiſe aſſeſſed. And alſo eleven pounds to the ſame *William* and *Alice*, at their requeſts, &c. which ſaid damages together with the coſts and charges aforeſaid in the whole do amount unto 52*l.* And the ſaid *Iohn* be taken, &c. *Taken.* And hereupon the ſaid *William* and *Alice*, do confeſſe here in Court that they will not further proſecute againſt the ſaid *Robert Kett* and *Eliz.* his wife of the ſaid plea, but further to proſecute againſt the ſaid *Robert* and *Elizabeth* in the plea aforeſaid, do altogether diſavow and refuſe, and they have execution againſt the ſaid *Iohn* of the damages, coſts and charges aforeſaid. *&c.*

Mich. Terme, 19 *Jac: rot:* 2889. *Judgement for the Plaintiff in Raviſhment* Afterwards, &c. Therefore it is con-

of the ward for the value of the Marriage of, &c. And ſatisfaction acknowledged.

ſidered that the ſaid *Walter* now Plantiff recover againſt the ſaid *Elizabeth* the ſaid twenty pounds for the value of the Marriage of the ſaid heir, in caſe the ſaid Heir ſhould be married before he be reſtored to the ſaid *William*. And his ſaid damages to 10 *s.* and 6 *d* by the Jury, &c. And alſo &c. which ſaid damages beſides the ſaid value do amount unto 30 *l.* And the ſaid *Elizabeth* be taken, &c. Afterwards, to wit, the three and twentieth day of *November* then next following, came here in Court the ſaid *Walter* now Plaintiff, and acknowledgeth that he is ſatisfied of the ſaid 20 *l.* for the value of the ſaid Marriage. And of his ſaid damages, therefore the ſaid *Elizabeth* of the value and damages and value aforeſaid, be quit, &c.

Judgement for the Plaintiff upon ſeverall iſſues joyned.

TRin: Terme 20 *Jac. rot.* 2074. From the day of the *Holy Trinity* in three weeks. At which day the Jury, &c. And now here at this day cometh, &c. Therefore it is conſidered that the ſaid *Salomon* recover againſt the ſaid *John Ioane* and *George* their damages, by reaſon of the ſaid treſpaſſe in the ſaid firſt Iſſue above joyned to the ſaid *Salomon* by

by tht ſaid I *I.* and *G.* in forme aforeſaid done, beſides his coſts and charges to 12 *d.* by the Jury aforeſaid, in forme aforeſaid aſſeſſed. And againſt the ſaid *John* and *Joane* his ſaid damages, by occaſion of the ſaid Treſpaſſe and aſſault ſpecified in the ſaid ſecond iſſue above, likewiſe joyned, to the ſaid *Salomon* by the ſaid *Ioane* in forme aforeſaid done, beſides his coſts and charges to other 12 *d.* by the Jury aforeſaid, in forme aforeſaid likewiſe aſſeſſed. And againſt the ſaid *John* and *Joane* his damages by occaſion of the ſaid Treſpaſs in the third Iſſue above ſpecified to the ſaid *Salomon* by the ſame *Iohn* and *Ioane* in forme aforeſaid done, beſides his coſts and charges aforeſaid to other 12 *d.* by the Jury aforeſaid in forme aforeſaid likewiſe aſſeſſed. And alſo it is conſidered, that the ſaid *Salomon* recover aginſt the ſaid *Ioane* and *George* his damages for his coſts and charges, &c. to the ſaid 4 *d.* by the Jury aforeſaid, in forme aforeſaid aſſeſſed: And alſo 10 *l.* 16 *s.* and 8 *d.* &c. The damages in the whole do amount unto 11 *l.* And the ſaid *Io. I.* and *George* be taken, And alſo the ſaid *Salomon* in mercy for his falſe complaint againſt the

Taken.

Mercy.

ſaid *George* for reſidue of the ſaid Treſpaſſe, whereof the ſaid *George* by the ſaid Iury is above acquitted, and the ſaid *George* go thereof without day, &c.

The Defendant relinquiſheth his plea of ſolvit ad diem, *to an Obligation and Judgment for the Plaintiff.*

Mich. Terme 12. *Iac. rot.* 390. And hereupon the ſaid *Henry* relinquiſheth his ſaid juſtification, by him above pretended, and ſaith that he cannot gaineſay the ſaid action of the ſaid *Rich.* nor but he hath not paid to the ſaid *Thomas* the ſaid one hundred and foure pounds upon the ſaid five and twentieth day of *October*, in full diſcharge of the ſaid recited Obligation which to him upon the ſame day he ought to have paid according to the forme and effect of the ſaid indorſement, as the ſaid *Richard* above doth alleage. Therefore it is conſidered, that the ſaid *Richard* recover againſt the ſaid *Henry* his damages by occaſion of deteyning of that Debt to 70*s.* to the ſaid *Richard* of his aſſent by the Court here adjudged. And the ſaid *Henry* in mercy, *&c.*

Mercy.

Judgement for the Plaintiff upon a Demurrer, to action of breach of Covenant, and a writ of Inquiry awarded.

Hill. Terme 10 *Car. rot.* 1044. The Defendants plea is not inſufficient

in

in Law to debarr the ſaid Plaintiffe from having his ſaid action againſt the ſaid Defendant, as the ſaid Plaintiff hath above alleadged; By which the ſaid Plaintiff ought to recover his ſaid damages againſt the ſaid Defendant, by occaſion of the breaking of the ſaid Covenant, but becauſe it is not known what damages the ſaid Plaintiff ſuſteyned by that occaſion. The Sheriff is commanded that, &c. he diligently enquire what damages the ſaid Plaintiff ſuſteyned, as well by occaſion of the breaking of the ſaid Covenant, as for his coſts, &c. And the Inquiſition which, &c. The Sheriff make appeare here (ſuch a returne) under the Seale, &c. And Seales, &c.

Judgement againſt part of the Lands upon riens per diſcent pleaded.

Trin. Terme 21: *Jac: rot.* 1227. Therefore it is conſidered that the ſaid *John Leigh* have execution againſt the ſaid *John Taylor* of the Debt and damages aforeſaid to be levied of one Meſſuage called the *Starr* with the appurtenances in *Maidſtone* aforeſaid. And that the ſaid *Jo. Leigh* from having his Execution againſt the ſaid *John Taylor*, of the moiety and Reverſion aforeſaid with

the appurtenances of one Meſſuage with the appurtenances in the Town *Malling* aforeſaid be precluded, &c.

Verdict & Judgement in Ejectment againſt two Deſendants ſeverally.

T*Rin.* 21. *Jac. rot.* 2286. At which day the Jury, &c. It is conſidered that the ſaid *Edward* recover againſt the ſaid *Evan* his ſaid Terme yet to come, of and in the ſaid one Meſſuage and twenty acres of Land with the appurtenances, whereof by the Jury aforeſaid, it is above found the ſaid *Evan* to be guilty of the Treſpaſs and ejectment aforeſaid; And his ſaid damages by occaſion of that Treſpaſs and ejectment to the ſaid *Edward* by the ſaid *Evan* done, beſides his ſaid coſts and charges to 12 *d:* By the Jury aforeſaid in forme aforeſaid aſſeſſed. And againſt the ſaid *Iohn* his ſaid Terme yet to come of and in one acre of Land within the appurtenances, whereof by the Jury aforeſaid, it is likewiſe above found the ſaid *Iohn* to be likewiſe guilty of the ſaid Treſpaſs and ejectment and his damages, by reaſon of the ſaid Treſpaſs and ejectment done to the ſaid *Edward*, by the ſaid *Evan* and *Iohn* beſides his ſaid coſts and charges to 12 *d.* by the Jury aforeſaid

foreſaid, in forme aforeſaid, likewiſe aſſeſſed, &c.

Judgement in waſte for treble damages & the place waſted & a writ of ſeiſia awarded.

Hillary Terme 20 *Car. rot:* 833. At which day here came the ſaid *Giles* by his ſaid Attorney, as the ſaid *Paul* in his proper perſon; And becauſe the Juſtices here will adviſe, &c. Day is further given to the ſaid parties here untill (ſuch a returne) of hearing thereof their judgment of and upon the premiſſes, becauſe thereof not yet, &c. At which day here came as well the ſaid *Giles* by his ſaid Attorney, as the ſaid *Paul* in his proper perſon. And hereupon the premiſſes being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the Juſtices here, that the ſaid *Paul* hath done waſte by the ſale, and deſtruction in the ſaid Oxe-houſe, and in three ſpaces of the ſaid ſeven ſpaces of the houſe called the Schape-houſe, as the ſaid *Giles* by his ſaid Declaration above ſuppoſeth. Therefore it is conſidered that the ſaid *Giles* recover his ſeiſin againſt the ſaid *Paul* of the aforeſaid places waſted, by view of the ſaid Jury. And his damages by occaſion of the ſaid waſte done in the ſaid places in treble according to the forme of the Statute. &c. which

damages in treble, in the whole amount unto 57 *l.* and 10 *s.* And the ſaid *Paul* thereof in mercy, &c. And alſo the ſaid *Giles Bray* Knight in mercy for his falſe complaint againſt the ſaid *Paul*, for the reſidue of the ſaid waſte, whereof the ſaid *Paul* by the ſaid Jury is above acquitted. And the ſaid *P* go thereof without day, &c. And hereupon the ſaid *E B.* Knight demandeth a Writ of the ſaid King to be directed to the Sheriff of the County aforeſaid, to have made unto him full ſeiſin of the ſaid places waſted. And it is granted to him retornable here from the day of the *Holy Trinity* in three weeks, &c. And hereupon the ſaid *E Bray* Knight, and alſo, &c.

Mercy.

The Jury reſpited unleſſe, &c.

Mich. 14. *Car. rot.* 86. At which day the Jury, *&c.* unleſs *John Finch* Knight, Cheif Juſtice of the Common Bench here aſſigned, by form of the Statute, &c. on *Wedneſday* the fifteenth day of *May* laſt paſt at *Weſtminſter* within the Hall there, commonly called *Weſtminſter Hall*, in the County aforeſaid, ſhall firſt come, and now here at this day came

as

as well the ſaid *Joan* by her Guardians aforeſaid, as the ſayd *William* by his Attorney aforeſaid, and the ſaid Cheif Iuſtice before whom, &c. ſent here his Record in theſe words, Aftetwards, &c. and becauſe the Juſtices here will adviſe, *&c.* ſpeciall verdict.

Verdict & Judgement for the defendant for treble damages according to the ſtatute.

Hill. term 19. *Jac. rot.* 2081. In 8 days of the Purification, *&c.* At which Day here came the parties, *&c.* and the Sheriff ſent not the Writ, therefore as before, the Sheriff is commanded that he cauſe to come here from *Eaſter* day in fifteen dayes, twelve, *&c.* to recognize in form aforeſayd, *&c.* (another continuation till *Trin. Trin.* At which day the Iury *&c.* and now here, *&c.* afterwards *&c.* Therefore it is conſidered that the ſayd *John* have nothing by his ſayd Writ, but be in mercy for his falſe complaint therein, and the ſaid *Humphrey* go thereof without day, &c: It is alſo conſidered that the ſaid *Humphrey* recover againſt the ſaid *John* his Damages in treble by occaſion of the premiſſes according to the form of the Statute aforeſaid by the jury aforeſaid in form aforeſaid aſſeſſed, which ſaid Damages in treble do amount unto

unto ſixty ſhillings, and the ſayd twenty ſhillings for his Coſts and Charges by the ſaid jury in form aforeſaid likewiſe aſſeſſed and alſo one hundred ſhillings to the ſaid *Humphrey* at his requeſt for his Coſts and Charges by the diſcretion of the Iuſtices here according to the form of the Statute thereof made and provided by the court of increaſe adjudged, which ſayd Damages in the whole do amount unto 6 *l.* &c.

Partition made by the Sheriff. add Judgement thereupon.

THerin. 16. *Jac. rot.* 3034: At which day here came as well the ſaid *Thomas* by his ſayd Attorney. as the ſaid *William Robert* and *Richard* by their ſaid next friends, and the Sheriff to wit *G: L:* Eſquire, delivereth now here a certain partition made between the ſaid parties of the Tenements Rent, and ſeven parts aforeſaid with the Appurtenances by the ſaid Sheriff and before him by virtue of the ſaid Writ, by the oathes of twelve, &c. which followeth in theſe words, *Kent ſſ. I &c.* & ſo recite the whole writing indented, and becauſe the Juſtices will adviſe, &c and ſo continue it over untill *Michaelmas Term*, 20. *Jac.* At which day here came as well the ſaid *Thomas* by his At-

Attorney aforeſaid, as the ſaid *William Ro.* and *Richard* by their ſaid next friends and hereupon the Premiſſes being ſeen, and by the Juſtices here fully underſtood it is conſidered that the partition aforeſaid be held firme and ſtable for ever, *&c.*

Demurrer and iſſue continued, and judgment for the plaintiff.

Trin. 20. *Jac. rot* 703. Demurrer for part, Iſſue for the reſidue, and the Demurrer adjudged after the iſſue tryed At which day here came as well the ſaid *Richard* as the ſaid *Thomas*, by their ſaid Attorneys, and becauſe the Juſtices here will further adviſe themſelves of and upon the premiſſes aforeſaid, whereof the ſaid parties have above put themſelves upon the Judgment of the Court, before they give Judgment thereof, further day is given unto them here untill from the day of the Holy *Trinity* in three weeks of hearing their Judgment therein, becauſe therof the ſaid Juſtices not as yet, &c. and as to the ſaid iſſue between the ſaid parties above joyned to be tryed by the Country, the Sheriff at the aforſaid morrow of the Holy *Trinity* ſent not the writ, Therefore, &c. At which day here came &c. And becauſe the Juſtices here will further

ther adviſe, *&c.* day is further given *&c.* untill in eight dayes of Saint *Michaell* of hearing, *&c.* and at the ſaid three weeks of the *Holy Trinity*, the Jury between the ſayd parties of the ſaid plea as to try the ſayd iſſues between the ſaid parties above joyned to be tryed by the Country, was reſpited between them here, untill this day, (to wit) in eight dayes of Saint *Michaell* then next following unleſs, &c. And now here at this day, came as well the ſaid *Richard* as the ſaid *Thomas*, by their ſayd Attorneys, and the ſaid Juſtices, &c. Afterwards, &c. whereupon the plea of the ſaid *Thomas*, as to the taking and carrying away of the ſaid Wood, coming of the ſaid trees above in barre of the ſaid new Aſſignment pleaded, being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the ſayd Juſtices here, that the ſayd plea, and the matter therein contained, are not ſufficient in Law to debar the ſayd *Richard* from having his ſaid Action thereof againſt the ſaid *THOMAS* as the ſaid *RICHARD* hath above alleadged. Therefore it is conſidered that the ſayd *RICHARD* recover againſt the ſayd *THOMAS* his ſayd Dama-

Damages to eleven ſhillings and ſix pence by the Jury, &c: And alſo thirteen pounds, nineteen ſhillings and ten pence to the ſayd *RICHARD* at his requeſt, *&c.* Which ſayd Damages in the whole do amount unto 14 pounds 1ten ſhillings and the ſaid *THOMAS* be taken, &c. *Taken.* And alſo the ſayd *RICHARD* in mercy for his falſe complaint therein againſt the ſayd *THOMAS* for the reſidue of the Treſpaſſe aforeſaid, whereof hee by the Jury aforeſaid is above acquitted, and the ſaid *Thomas* go thereof without day, *&c:* *Mercy.*

EASTER Tearme 21. *Jacob. Rott.* 2138. *Cro. Trin.* At which Day here came as well the ſayd *George* as the ſaid *ELIZABETH*, by their ſayd Attorneys, and hereupon the ſaid *ELIZABETH* relinquiſheth her Averment, by her above pretended, and ſayth, that ſhee cannot gainſay, but that the ſayd *GEORGE* ought not to be retarded from having his Execution of the Debt and Damages aforeſayd, of the ſayd Goods and Chattells, nor but the Adminiſtration *The defendant being an adminiſtratrix relinquiſheth her plea, and judgement againſt the inteſtats. Goods.*

Administration of the Goods and Chattells which were of the said *Tho.* at the time of his death by *Geo.* by divine providence Arch-Bishop of *Canterbury*, and of whole *England* Primate and Metropolitan, the 28 day of *Ianuary* in the yeare of our Lord 1621. above said to the said *El.* was committed, as the said *G.* above alleadgeth. Therefore it is considered, that the said *Geo.* have execution against the said *El.* of the Debt and damages aforesaid of the Goods and Chattells, which were of the said *Tho.* at the time in the said, of the said *Elizabeth* to be administred to be levyed, &c.

Verdict & Judgement against one Defendant and the other acquitted.

Trin. Terme 21. *Iac. rot.* 968. At which day the said Iury, &c. Therefore it is considered that the said *William* recover against the said *John D.* the elder, and *Margaret* his said damages to 86 *s.* and 8 *d.* by the Iury, &c. And also 7 *l.* to the said *William* at his request, &c. in the whole 11 *l.* 6 *s.* 8 *d.* And the said *I. D.* the elder, and *M.* be taken, &c: And the said *William* in mercy for his false complaint against the said *I D.* the elder of the whole Trespasse, and battery aforesaid, whereof the said

Taken. Mercy.

I D.

I D the elder by the Iury aforeſaid is above acquitted, and the ſaid *I D* the elder go thereof without day, &c: And hereupon the ſaid *William* doth confeſs in Court here, that he will not further proſecute againſt the ſaid *B B*: and *Mary* his Wife, *Iohn D* the younger, and *Letice* his Wife and *Dorothy Macbam* in the ſaid plea, but thereof to proſecute againſt the ſaid *B B* and *M Io*: *D* the younger and *Letice* and *D* of and upon the ſaid plea doth altogether diſavow, and refuſe, and that the ſaid *William* have Execution againſt the ſaid *Io*:*D* the elder and *Margaret* of the damages aforeſaid, &c:

Plea in abatement of a Scire facias *and Judgement for the Defendants.*

Hill. *Terme* 20 Iac: rot: 637: 15 Paſch: *At which day here came as well the ſaid* Io: Davye *as the ſaid* William Robert *and* Iohn Haddon *by their Attorneys aforeſaid. And becauſe the Iuſtices, &c. and continue untill in eight dayes of Saint* Michaell: *At which day here came as well the ſaid* Io: D *as the ſaid* William Robert *and* Iohn Haddon *by their ſaid Attorneys: And whereupon the premiſſes being ſeen, and by the Iuſtices here fully underſtood, it ſeemeth to the Iuſtices here, that the ſaid plea of the ſaid*

ſaid William, Robert, *and* Jo H. *in abatement of the ſaid Writ of* Scire facias, *in form aforeſaid pleaded, and the matter therein contained, are ſufficient in Law to abate the ſaid Writ of* Scire facias, *againſt the ſaid* Will. Rob. *and* Jo.H. *in form aforeſayd awarded, and to retard the ſaid* John Davy *from having his ſaid Execution againſt the ſaid* Will.Rob. *and* Jo.H. *as the ſayd* Will. Rob. *and* Jo. *have above alleadged: Therefore it is conſidered that the ſaid Writ of* Scire facias *againſt the ſaid* Will: Rob. *and* Jo H. *in forme aforeſaid awarded, be abated,* &c.

TRin. Term 11. Car. rot. 1293. tres Trin. *Afterwards, &c: and becauſe the Juſtices,* &c. *At which day here came as well, &c. as, &c. by their ſaid Attorneyes, and hereupon the premiſſes being ſeen, and by the Juſtices here fully underſtood (no reſpect being had to the Damages and coſts as to the taking of the ſaid Calf, whereof the property of the ſayd Calf by the Jury aforeſaid is found to be in the ſaid* Chriſtopher, *by the Jury aforeſaid in forme aforeſaid aſſeſſed, becauſe ſuch Damages and Coſts by the Law of the Land, are not to be adjudged: It is conſidered that the ſaid* Katherine *recover againſt the*

the said Christopher *her said damages to fifty four shillings and five pence by the Jury,* &c: *and also &c: damages in the whole &c: and the said* Chr: *thereof in mercy, &c: it is also considered that the said* K. *take nothing by her said writ, but be likewise in mercy: &c. it is also considered that the said* Chr: *recover against the said* K: *his damages by reason of the premisses, to seven pounds ten shillings by the discretion of the Justices here to the said* C. *at his request, &c, by him in that behalfe sustained, according to the form of the Statute therein made and provided by the Court here adjudged, &c.*

Trin. term 16. *Jac: rot.* 826: Saturday after eight dayes of the *Holy Trinity,* At which day the Jury, *&c.* unless, *&c:* Therefore it is considered that the sayd *George,* who as well, *&c.* take nothing by his information aforesaid, but be in mercy for his false complaint therein, and that *William* go thereof without day, *&c:* It is also considered, that the said *William* recover against the said *George* who as wel *&c:* 46 *s.* 4 *d.* for his costs and charges in that part sustained, according to the form of the Statute therein made and provided by the Court here adjudged. &c:

Verdict against an informer with costs of suit.

Attorny generall will not prosecute the suit.

TRin. Terme. 17. *Jac. rot.* 2060. At which day the jury between the sayd Lord the King, and the sayd Bishop of *Salisbury*, and *Richard Bayles* of the said plea is respited, *&c.* unless, &c. and now here at this day came the said *Henry Yelverton* Knight, Attorney Generall of the said King, who *&c.* as the said Bishop and *Richard* by their Attorney aforesaid, and hereupon the said Attorney Generall, who *&c.* doth freely here in Court acknowledge that he will not further prosecute against the said Bishop and *Richard*, or either of them of and upon the plea aforesaid, but further thereof to prosecute against the said Bishop and *Richard*, doth altogether disavow and refuse, therefore it is considered that the said Bishop and *R.* go therein without day, &c: reserving the right of the King another time when he will speak therein, *&c:*

Three bound in a covenant joyntly and severally, and Judgment against any of them.

TRin. *term.* 18. *Jac. rot.* 2930. The *Defendant* in mercy, &c. and because the said *N.* and *N.* in the Court of the king here recovered their said damages against *R. P.* & *W. W.* who together with the said *R.* were joyntly and severally held and bound

by the covenant aforeſaid in the ſaid Indenture. Therfore the ſaid *N.* and *N.* have one only Execution againſt the ſaid *R. R:* and *W.* or any one of them for the damages aforeſaid &c.

Trin. term. 12 Car. rot. 544. tr. trin. At which day the Jury, &c. aftewards &c. therfore it is conſidered that the ſaid *Hamond* recover againſt the ſaid *John*, the ſaid Debt of 30 *s:* according to ſorm of the ſaid, for the treble value of the ſaid hay not divided ſevered or put apart from the ſaid 9. parts aforeſaid, and by the ſaid *J:* contrary to the form of the ſame ſtatute taken & carried away, which by the ſaid jury is above found the ſaid *I.* to owe unto the ſaid *H.* and the ſaid *I:* thereof in mercy &c. & likewiſe the ſaid *Hamond* in mercy for his falſe complaint therein againſt the ſaid *I* for the reſidue of the ſaid debt, wherof the ſaid *I* by the jury aforeſaid is above acquitted, therfore the ſayd *I* go thereof without day, &c.

Judgment for the treble value of tithes.

Mercy: Mercy.

Hil. 11. Car. rot. 1355. At which day here came the ſaid Ed. *by his ſaid Attorney, and the ſaid* W *hath not here at the ſame day the Record of the appearance of the ſaid* T: *by him above alleadged, but made default therein, therefore it is conſidered that the ſaid* Ed. re-

Judgment for the plaintiff upon a Comparuit ad diem *pleaded to the ſheriffs bond.*

recover againſt the ſaid Will. *his ſaid debt and his damages by reaſon of the detaining the ſaid debt to* 80 s: *to the ſaid* Edm: *of the aſſent by the Court here adjudged, and the ſaid* Will. *in mercy.*

Mercy.

Outlawry reverſed by a pardon

Eaſter terme 16. *Jac: rot.* 360. Afterwards, to wit, the twelfth day of *July*, in the year, &c. before *Henry Yelverton* Knight one of the Juſtices, &c. came the ſaid *H:* in his proper perſon, & bringeth before the ſame Juſtice the Letters Patents of the ſaid King whoſe date is at *Weſtminſter*, the tenth day of *February* in the firſt year of the ſame King, teſtifying that the ſaid King now hath pardoned to the ſaid *H.* of the ſaid outlawry and granted to him a firm peace, and requeſteth that thoſe Letters may be allowed him *&c.* and becauſe it ſufficiently appeareth to the ſame Juſtices that the ſaid *William* is ſatisfied of the debt and Damages aforeſayd, and that the ſaid *H.* is acquitted therof, as it appeareth in *Mich: term* in the year of the King now over *England &c. rot:* 2013: Therfore thoſe letters are allowed, *&c.*

Note, that if Judgment be upon an *Alias*, *Habeas corpora*, *plur.* or *Deſtring.* then after the

the proceſs thereof continued, *&c.* and if a year be paſſed, then you muſt ſay, *Anno regni*, &c: *nunc quarto decimo* (and not) then next following.

Inquiſition returned, and judgement for the value of the marriage in raviſhment of ward.

Eaſt: term: 10 *Car: rot:* 166. At which day here came the ſaid *D.* by his Attorny, & the Sherif to wit *E. D.* Eſq; now returneth here a certain inquiſition taken before at *N.* in the county aforſaid the firſt day of *Oct.* laſt paſt, by the oaths of 12. &c: whereby it is found that the ſayd marriage was worth according to the true value of the ſame 20 *l.* & that the ſaid *D* ſuſtained damages by reaſon of the ſaid intruſion beſides his coſts, &c. to 40 *s.* and for thoſe coſts, &c. to 4 *d.* Therfore it is conſidered that the ſaid *F.* recover againſt the ſaid *I. N.* the ſon, the ſaid 20 *l.* for the value of the marriage of the ſame *I.* & alſo his damages aforſaid to 40 *s.* & 4 *d.* by the ſaid inquiſition in form aforſaid found, and alſo 5 *l.* 9 *s.* 8: *d.* to the ſaid *F.* at his requeſt, which ſaid damages beſides the value aforeſaid, in the whole do amount unto 7 *l* 10 *s* and *I. N.* the ſon in mercy, &c:

Mercy.

Satisfaction acknowledged before a Judge by the plaintiff in proper perſon.

Mich: term, 8: *Car. rot.* 609. Afterwards that is to ſay, the ſecond day of *Sep.* in the year of the raign of the Lord *Charles*, &c: before *Robert Heath* Knight, cheif

Cheif juſtice of the ſaid King of the common Bench here at his Chamber, ſcituate in *Serjeants Inn* in *Chancery Lane London*, came the ſaid *W.* and *K.* in their proper perſons, and acknowledged that they were ſatisfied of the Debt and Damages aforeſayd, therefore the ſaid *R.* of thoſe Debt and Damages be quiet, &c.

Venire facias reſpited for want of Free-holders within the Hundred.

Mich: 17. *and* 18. *Eliz: rot:* 100. Afterwards, &c: Therefore the jury is further reſpited here untill in the morrow of the Holy *Trinity* for defect of Jurors; *&c:* Therfore let the Sheriff have the bodies, *&c:* and appoint ten the like, *&c:* At which day here came as well, *&c:* as *&c:* by their ſayd Attorneys, and the Sheriff to wit *Richard White* Eſquire, now ſheweth, that within the Hundred of *Baſingſtoke*, where the ſayd iſſue ought to be tryed, there are not any free men that have Lands and Tenements to the value of forty ſhillings by the Year, nor abiding within the ſaid Hundred whom he could return upon the ſaid jury beſides thoſe free men in the ſaid Writ firſt returned, therefore the ſaid jury is further reſpited here untill from the day of the Holy *Trinity* in 3 weeks for defect of jurors

jurors, *&c*, therfore let the Sherif have the bodies, *&c.* and appoint ten the like, &c. of a hundred in the ſaid County to the neighbourhood of *Baſingſtoke*, without the ſaid Hundred of *B.* next adjoyning, *&c.*

THe Court will adviſe in Ejectment of farm, judgment for the *Plaintiff*, a Writ to have poſſeſſion awarded returnable here ſuch a return, *&c.* At which day here came the ſaid *Plaintiff* by his ſaid Attorney, and the Sheriff now ſheweth, that he by virtue of the ſaid Writ to him in form aforeſaid directed, commanded the Bailiff of the Liberty of the village of great *Totnes*, who hath the full return of all Writs and Executions within the ſaid Liberty, and to whom the Execution of that Writ did wholy belong, for that the execution therof in any other place in his Bailiwick out of the ſaid Liberty could not be made, who gave no anſwer to the ſayd Sheriff, therefore it is commanded the Sheriff that he omit not for any liberty, but that without delay he cauſe to be had to the ſaid *Plaintiffe* his poſſeſſion of his ſaid term yet to come, &c of and in the tenements aforſaid with the appurtenances, and how far, *&c.* he make appear here ſuch a return, *&c.*

A Mandavi ballivo, returned by the Sheriffe upon a Writ of poſſeſſion, and a Non omittas *awarded.*

Essoyne made because he was in the service of the King.

MIch. Term 35 H. 6. rot: 260. Afterwards, &c. And now here at this day came the said *Plaintif* by his said Attorney. And the said *Def:* the 4th. day of his plea being solemnly called came not. Therefore the Messuage aforesaid with the appurtenances be taken into the hands of the King, &c. and he be summoned, that he be here from the day of *Easter* in 15 dayes to hear therof his judgment, &c. At which said 15 days of *Easter* here came the said *Plaintiff* by his said Attorney', And the said *Def.* made in essoyn of service, that he was in service of the King, against the said *Plaintif* of the said plea. And had thereof day by J: *Esthorp* by his Essoyn here untill this day, to wit, in 8 days of St *M.* in the 35 year of the Raign of the said King. And now here at this day came the said *Plaintif* by his Attorney aforesaid. And hereupon the said J *Esthorp* by his Essoyne aforesaid for the said Defendant bringeth here in Court certaine Letters of the King Sealed with his private Seale, testifying the said Defendant at the said fifteenth day from *Easter* day to be in the Kings service, the tenor of which Letters follow in these words. *Henry* by the Grace of God, &c. And hereupon as well the plea as the said Letters

Letters procured under the Kings private Seale to testifie the service and adjudged not sufficient to excuse his default.

Letters being read & by the Court here underſtood, it ſemeth to the Juſtices here that the ſaid Letters are not ſufficient in Law to excuſe the ſaid default of the ſaid Def. made here at the ſaid 15 day from *Eaſter* day, nor to warrant the eſſoyne aforeſaid by his Eſſoyne aforeſaid caſt, and hereupon the ſaid Plaintiff demandeth ſeiſin of the Meſſuage aforeſaid with the appurtenances for the default of the ſaid Defendant, made the ſaid 15 day, &c. to be adjudged to him, &c. Whereupon then and there came one *Iohn Michaell* in his proper perſon, And ſaith that one *Eliz.* which was the Wife of the ſaid Defendant was lately ſeized of the ſaid Meſſuage with the appurtenances in her demeſne, as of Fee. And being ſo thereof ſeiſed, ſhe took to Husband the ſaid Defendant, which ſaid Defendant and *Eliz.* had iſſue between them, one *Iohn Say*, and that afterwards the ſaid *Iohn S.* dyed, without Heir of his Body begotten and the ſaid *Eliz:* afterwards likewiſe dyed, after whoſe death the reverſion of the ſaid Meſſuage with the appurtenances deſcended to the ſaid *I. M.* as of kindred and heir of the ſaid *Eliz.* that is to ſay Son of *Io.* Son of *K:* Son of *Alice*, Siſter

of

of *Robert* Father of the ſaid *Elizabeth*. And ſo the ſaid *John Michaell* ſaith, that the ſaid Defendant hath nothing, nor the day of the awarding the originall Writ of the ſaid Plaintiff had in the ſaid Meſſuage with the appurtenances juſtly, but only for terme of his life as Tenant by the curteſie of *England* the reverſion thereof, after the death of the ſaid Defendant, belonging to the ſaid *John Michaell* and his Heirs. And the ſaid *Iohn Michaell* ſaith, that he is within the age of one and twenty yeares, and this the ſaid *Iohn Michaell* is ready to verifie, whereupon for that he came before Judgement given, he deſireth to be admitted to defend his right, and that the ſaid plaint may remaine untill the full age of the ſaid *Iohn &c.* And the ſaid *G* proteſteth that the ſaid *Iohn Michaell* is not of kindred and Heir of the ſaid *Eliz.* and ſaith that he by any thing before alleadged from having his ſeiſin of the Meſſuage aforeſaid with the appurtenances ought not to be hindred, nor the ſaid *Iohn* admitted to defend any right therein, becauſe he ſaith that the ſaid *Iohn Michaell* hath nothing, nor the day of the awarding of his ſaid Writ, to

wit,

wit(ſuch a day and yeare) nor any time afterwards had in the reverſion of the ſaid Meſſuage with the appurtenances. And this he is ready to verifie, whereupon he prayeth Judgement and ſeiſin of the Meſſuage aforeſaid with the appurtenances by default of the ſaid Defendant to him to be adjudged, &c. And the ſaid *Io. M.* ſaith that the reverſion of the ſaid Meſſuage with the appurtenances after the death of the ſaid Defendant doth belong to him the ſaid *Jo. M.* in ſuch forme as he hath above alleadged; And hereupon he putteth himſelfe upon the Country, and the ſaid Plaintiff likewiſe: Therefore the Sheriff is commanded, &c. that twelve, &c. And hereupon *A B. C* and *D.* here in Court perſonally ſtanding undertook for the ſaid *Iohn Michaell*, that he ſhould ſatisfie to the ſaid Plaintiff of the iſſues of the Meſſuage aforeſaid with the appurtenances now demanded. In the meane time if it ſhall happen the ſaid *Iohn Michaell* at any day of the plea, until the Jury thereof ſhall paſſe between them, and Judgement therein ſhall be given to make default, or that the ſaid Jury paſſe againſt him, and finde for the ſaid Plaintiff; whereupon it is granted by

by the Court here that *WF* follow for the ſaid *Io. Michaell* who is within age againſt the ſaid Plaintiff in the ſaid plea, &c. Afterwards, &c. And the Jury ſay upon their Oathes, that the ſaid *IM.* had nothing in reverſion, &c. and a ſpeciall Verdict is found. Therefore it is conſidered that the ſaid Plaintiff recover his ſeiſin againſt the ſaid *I M* and the ſaid Defendant in mercy, &c. And nothing of mercy of the ſaid *John Michaell*, becauſe he is within age.

H. 33. *H.*6.*rot.*465
*Eaſter*6.*H* 5 *rot.*536.
Hill. 26.*H* 6:*rot.*223.
*Mich.*19.*H.*6.*rot.*548
Eaſt,37.*H.*6.*rot.* 137
Hill. 5.*H.*6.*rot.*465
Mich. 6. *H.* 6.*rot.* 518 or 548.
Hill. 35.*H.*6.*ro.*402
Eſt. 17.*H.*6 *ro.* 327

Mich. 18 and 19 *Eliz. rot.* 450: At which day here came as well the ſaid *R.* as the ſaid *Eliz.* by their ſaid Attorneys, And the Sheriff now ſheweth that he cauſed to be ſummoned *TG* Kt. *Ro. Wingfield* Kt. *Nicholas de le Strange* Kt. and *Jersmy Bowes* Kt. foure lawfull men of his Bailywick, girt with Swords, by *Jo. Doo* and *Ri. Roo.* to be here at this day, to chuſe out of them and others, to make the great Aſſize, And that the ſaid Summoners

Summoners and either of them are bayled by *John Denn* and *Richard Fenn*, *I. Hart* And the ſaid *Tho: Greſham*, *R W. N le Strange* and *I Bowes* foure Knights, being ſolemnly called, came not, but made default. Therefore the Sheriff is commanded that he have here from the day of Saint *Martin* in fifteen dayes the bodies of the ſaid *T G.R W N. le Strange* and *Jo Bowes* foure Knights, &c. girt with Swords to make choice of the great Aſſize between the parties aforeſaid in forme aforeſaid. The ſame day is given to the ſaid parties here, &c.

Demurrer to the Avowry and Judgment for the Plaintiff. and a writ of Inquiry *awarded, and an Inquiſition returned, and part of the coſts remitted, & Judgement for the reſidue.*

M*Ich.* Terme 2 and 3 *Phill.* and *Mary rot* 436. At which day here came as well &c. As &c. by the ſaid Attorneys, & here upon the premiſſes being ſeen, and by the Juſtices here fully underſtood. It ſeemeth to the ſame Juſtices here, that the ſaid Plea of the ſaid Plaintiff upon the ſaid Writing indented to the avowry of the ſaid *R* and acknowledgement of the ſaid *W* in manner and form aforeſaid above in Barr pleaded is ſufficient in Law, to maintaine the action of the ſaid *John* of the taking of the Cattell aforeſaid, againſt the ſaid *R* and *W*. and to debar them the ſaid *R*: & *W*: from their ſaid avowment

and acknowledgment againſt the ſaid *Io. T.* as the ſaid *Io.* hath above alleadged, Therefore it is conſidered that the ſaid *Io.* recover againſt the ſaid *R* and *W* his damages by occaſion of the taking and unjuſt deteyning of the ſaid Cattell; But becauſe it is not known, &c. (as in other writs of *Inquiry*) the Sheriff make appear here from the day of the *Holy Trinity*, in fifteen dayes under the Seale, &c. And Seales, &c. At which day here came the ſaid *Iohn* by his ſaid Attorney: And the Sheriff to wit, *W D* Knight now ſheweth here a certaine Inquiſition taken before him at *W* in the ſaid County the ſeventh day of *Iune* laſt paſt, by the Oath of twelve, &c: by which it is found that the ſaid *Io.* ſuſtained damages by occaſion of the premiſſes, beſides his coſts, &c. to 30 *l.* and for thoſe coſts and charges to 8 *l.* whereupon it ſeemeth to the Iuſtices here, that the ſaid *Iohn* ſhould mitigate the ſaid damages for his coſts, &c. releaſing reaſonably before Iudgement be therein given, whereupon it is ſaid to him that he ſhould ſo do. And hereupon the ſaid *Iohn* doth remit here in Court to the ſaid *R T* 60 *s.* of thoſe damages, and demandeth Iudgment of the reſidue

reſidue of the ſaid damages to be reſtored to him, whereupon thoſe 60 *s.* deducted and cut of, it is conſidered that the ſaid *Iohn* recover againſt the ſaid *R.* and *W.* the reſidue of his ſaid damages to 35 *l.* by the Inquiſition aforeſaid found, and the ſaid *Richard* in mercy, &c. *Mercy.*

Mich. 2 and 3 *Eliz. rot.* 1321. At which day here came as well, &c: As &c. And hereupon the premiſſes being ſeen, and by the Juſtices here fully underſtood. It is conſidered that the ſaid Plaintiff (if he will) may proſecute for having his ſeiſin of the Tenements and Rent aforeſaid with the appurtenances againſt the ſaid Defendant, by occaſion of the claime and plea aforeſaid forfeited: And alſo that the ſaid Fine (if he will, ſhall be ingroſſed, and the ſaid Defendant in mercy, &c: *Mercy.*

Trin. Terme 6 *Eliz. rot.* 23. Whereupon all and ſingular the premiſſes being ſeen, and by the Court of the Queen here fully underſtood, and mature deliberation thereupon had, for that that it ſeemeth to the Court of the ſaid Queen here, that the ſaid Declaration, and *Judgement for the Plaintiff upon a demurrer to the Declaration.*

and the matter in the ſame contained, are good and ſufficient in Law to compell the ſaid Defendant to anſwer to the ſaid Declaration, whereby the ſaid plaintiff ought to recover his damages by occaſion of the premiſſes. But becauſe it is unknown, &c. (As in others) under the Seale, &c. And Seales, &c.

Pardon pleaded to an Indictment.

Pardon pleaded to an Indictment, which being ſeen, and by the Court here fully underſtood, the Serjeant of the ſaid Queen at Law, and the Attorney Generall of the ſaid Queenbeing hereunto likewiſe called, and preſent. It is conſidered, that the ſaid perſon indicted go thereof without day, &c.

The Defendant prayeth that the Verdict may be quaſhed, becauſe the Jurors did eat & drink before they went to agree about their Verdict.

Eaſter Terme 6 *H.*8. *pot.* 333. Who to ſpeak the truth of the within contained were choſen, tryed and ſworn, and from the Barr here to conferre to give their Verdict in this behalfe, under the cuſtody of *John Haye*, and *Robert Harrys* two Bayliffs and Keepers of the ſaid Jury hereunto ſworne departed, And to give their ſaid Verdict in this behalfe, to the Barr here returned, whereupon the ſaid Defendant ſaith, that the ſaid Juſtices ought not to proceed to take the Verdict

Verdict of the ſaid Jury, becauſe he ſaith that after the ſaid Jury between the parties aforeſaid were ſworn, and after evidences to them by the ſaid parties in this behalfe were ſhown: And after the departure of the ſaid Jury here from the Barr, and before conference between them, had, for giving up their Verdict in this behalfe, every one of the ſaid Juror. eat and drank. And this he is ready to verifie: whereupon it is not intended that the Juſtices here will proceed to the taking of that Verdict, *&c.* Whereupon the ſaid Jurors upon their Oaths therein being ſeverally examined, ſay, that immediately after they departed from the Barr here to give their Verdict of the within contained, they conferred amongſt themſelves, and were agreed in giving of the ſaid Verdict, and not before, each of the ſaid Jurors at his own proper coſts and expences eat and drank, And hereupon the Juſtices notwithſtanding the premiſſes at the requeſt of the ſaid Plaintiff, and at his peril proceed to the taking of the Verdict of the ſaid Jury in this behalfe, which ſaid Jurors ſay upon their Oaths, that the ſaid Defendant is guilty of the premiſſes within

contained as the ſaid Plaintiff within hath alleadged. Whereupon as well the ſaid Bayliffs as the aforeſaid Jurors requeſt ſeverally to be admitted to make their Fine with the King, by occaſion of the premiſſes, and are admitted, &c. to wit, *Richard B* of the ſaid Jurors for 6 *s.* 8 *d.* and ſo of the reſt of the Jurors. And the ſaid *John Hay*, one of the Bayliffs aforeſaid for 10 *s.* *&c.* Therefore it is conſidered that the ſaid Plaintiff recover againſt the ſaid Defendant his damages aforeſaid to, &c. And the ſaid Defendant in mercy, &c.

Mercy.

Hill. Terme 9 *H.* 5 *rot.* 328. In treſpaſſe the Defendant pleadeth not guilty: And at the Aſſizes the Jury find him guilty and aſſeſſe damages, &c. And when the ſaid Jurors had given their Verdict, one of the ſaid Jurors, to wit, *J Bourne* immediatly after the ſaid Verdict, and before any of the ſaid Iurors departed from the Barr, in the preſence of the ſaid Iuſtices, did hold forth and caſt into the Court before the ſaid Iuſtices a certaine Bill in paper, annexed to this paper: Whereupon it is demanded by the ſaid Iuſtices of the ſaid

John

John Bourne and all other the aforesaid Jurors upon their Oath, how they came by the said Bill. And hereupon the said *Jo. Bourne* saith upon his Oath, that in departure of himselfe and his Associates of the Jury aforesaid, from the Barr, from the presence of the said Iustices to consult of the said Verdict, when they were charged with the same Verdict, One to him now unknown, did deliver to him the said Bill, and so, and not otherwise he came by the said Bill. And the residue of the said Iurors, say upon their Oath, that they never had notice of the said Bill, or any one of them had, nor ever saw it, nor any of them did see it before the said *John Bourne* the said Bill into Court here after the said Verdict in forme aforesaid, did hold forth, and cast into. And it is further demanded by the said Iustices of all the aforesaid Iurors, if they, or any of them, ever received any evidence of the said Bill or any one of them did receive, who said, and every one of them saith upon his Oath, that they never received any evidence of the said Bill, nor any one of them did receive, nor never knew, nor any one of them did know

what was contained in the ſaid Bill, Then Iudgement was given for the Plaintiff.

And note, that none of the Iury in this caſe made Fine with the King, nor before the Iuſtices of Aſſizes, nor here in Court.

One of the Jurors challenged for being the Plaintiffs Tenant and after ſworn, and the Verdict quaſhed, and a new venire awarded.

Hill. Terme 3 *H. 6 rot.* 402. Treſpaſs for breaking his Cloſe, the Defendant pleadeth not guilty. And the Iury being called, likewiſe came: And the Defendant challengeth *I B*: one of the Iurors in the Pannell aforeſaid ſworne, for that he holdeth one Meſſuage and twenty acres of Land with the appurtenances in *R* of the Demiſe of the Abbot of *Flexley*, for Terme of 60 years which ſaid Term yet continueth, which ſaid Tenements are within the hundred of *K* of which ſaid hundred, the ſaid Plaintiff is Lord, and is thereof ſeiſed, for which Tenements the ſaid *Abbot* of *F* is held to make Suit, and that he and all his Predeceſſors, Tenants of the ſaid Tenements, from time whereof the memory of man is not to the contrary, made Suit, and were accuſtomed to make Suit to the hundred of the ſaid Plaintiff from three weeks in three weeks

weeks for which ſaid Suit to be made by the ſaid *Abbot*, the ſaid *I B* made a fine with the Plaintiff yearly, which are the Tenements which the ſaid *I B* in forme aforeſaid holdeth within the diſtreſſe and juriſdiction of the ſaid Plaintiff, within the ſaid hundred: whereupon it is not intended, that the ſaid *I B* ought to be ſworn in that Jury, &c: which ſaid challenge by Triers is found true. And further it is found by the ſaid Triers that the ſaid *I B* is not reſident, being within the ſaid hundred: And notwithſtanding, the ſaid Plaintiff, although the challenge is in form aforeſaid found, requeſts that the ſaid *I B* ſhould be ſworne at his own perill. And it is granted him, and he is ſworn as one of the ſaid Jury, as it appeareth by the Pannell of the ſame, &c. And twelve of the Iury before impannelled, and now appearing, being called tryed and ſworn, ſay that the Defendant is guilty in part, & not guilty in an other part: And aſſeſs damages, &c. The Court will adviſe before, &c. And the Verdict is nullified, and a new Writ of *Ven. fac.* awarded. And afterwards Iudgment for the whole given for the Plaintiff.

The Defendant relinquisheth his plea after a Verdict for the Plaintiff, and acknowledgeth that the Plaintiff hath had damages as much as the Jury found.

Trin. Terme 2 and 3 *Rich. Rot.* In Trespas the Plaintiff layeth 20*l.* damages. The Defendant pleads a speciall plea, and issue is joyned. And after the Assizes at a day in Court, the Defendant relinquisheth his justification by him above impleading pretended, and saith, that he cannot gainsay the said action of the said Plaintiff, nor but that he is guilty of the Trespasse aforesaid; As the said Plaintif above against him complaineth, nor but that the said sustained damages, by occasion of that Trespasse, to the value of the said 20*l.* as he above against him doth complaine: Therefore it is considered, that the said Plaintiff recover against the said Defendant his said damages, to wit, 20*l.* by the said Defendant above acknowledged. And the said Defendant be taken, &c.

Taken.

The Plaintiff relinquisheth his plea after a plea and the Court will advise, and after Judgment for the plaintiff.

Mich. 17 *Ed.* 4 *rot.* 350. *Heref.* In Trespasse the Plaintiff declares, that he sustained damages to the value of CC Marks, the Defendant pleads, and issue joyned to be tryed at the Assizes; And at the Assizes the Defendant relinquisheth his plea to issue, and his justification

juſtification thereupon, and acknowledgeth the plea and juſtification of the ſaid Plaintiff in Iſſue pleaded to be true, and that the ſaid Plaintif ſuſtained all the damages, by reaſon of the within contained; And the Court will adviſe, &c. untill from the day of Saint *Hillary* in 15 dayes, *An.* 19. At which day here came the ſaid Plaintif by his ſaid Attorney, whereupon the ſaid Record being ſeen, and by the Iuſtices here fully underſtood. It is conſidered that the ſaid Plaintif recover againſt the ſaid Defendant his ſaid damages, to wit, the ſaid CC Marks by the ſaid Plaintif above declared, of the aſſent of the ſaid Plaintif and Defendant, and the ſaid defendant be taken, *&c.* *Taken.*

E*After* Terme 2 *Hen. H. rot.* 406. In an Action of Treſpaſſe, Aſſault, and impriſonment, the Defendant ſaith that he is villain, appurtaining to the Manor of *F.* And the Plaintif ſaith, that he is not, &c: And hereupon iſſue is joyned, And after diverſe continuances, the Defendant comes here in Court in perſon, and ſaith, that he after the morrow of All *Soules* laid wait, to take and impriſon

The Defendant juſtifieth an aſſault upon the Plaintiff as his villany, & the Plaintiff ſaith that he is free, &c.

the ſaid Plaintiff, and to have his will upon the ſaid Plaintiff, as done upon his Notice, the ſaid plea depending indiſcuſſed, whereupon the ſaid Plaintif, neither could nor durſt (as he ſhould) follow his ſaid plea) And bringeth here in Court, to find ſuch ſecurity as the Court her ſhall conſider that himſelfe, his Goods or Chattells he will not eſtrange, but that the Defendant, as well of the Body as of the Goods and Chattells of the ſaid Plaintif, ſhall be anſwered, if it ſhall happen the ſaid plea to be determined againſt the ſaid Plaintif, or that he proſecute not the ſame, And he requeſteth a Writ to be directed to the Sherif of not moleſting the ſaid Plaintif in Body or Goods, the ſaid plea depending indiſcuſſed: And becauſe this ſeemeth conſonant to reaſon to the Court here, it is granted to him, &c. And then the Recogniſance of the Plaintit is entred, as appeareth, &c. And the Defendant in the meane time is commanded, that the ſaid Suit depending undetermined, he moleſt not nor cauſe to be moleſted, the ſaid Plaintif his bayle, and his aſſumptions in Bodies or Goods, under paine of 40 *l.* *&c.*

Mich.

More then ordinary damages increaſed by the court in an action of treſpaſs and aſſault.

Mich: Term: 1: *H:* 5: *rot:* 385: In an action of Treſpaſs and aſſault, the *Defendant* pleadeth not guilty, and the Jury at the Aſſizes ſay, that the *Defendants* are guilty, *&c.* and aſſeſs damages beſides coſts, *&c:* to forty ſhillings, and for thoſe coſts &c. to forty ſhillings, and hereupon the ſaid *Plaintiff* ſheweth to the Court here, a certain wound as he doth averre made upon him in the time of the ſaid Treſpaſſe upon the back of his right hand, whereupon the ſaid *Plaintiffe* is maimed, requeſting the ſaid Jury to be thereof examined, if he had not the ſaid maim then and thereor not, and if ſo, *&c:* then his damages by occaſion of that maime according to the diſcretion of the ſaid Juſtices, to him to be taxed, *&c:* whereupon the ſaid Jury at the inſtance of the ſaid *Plaintiffe*, and requeſt of the Court, (if the ſaid *Plaintiff* ſuſtained that maime at the time of the ſaid Treſpaſs done or not, ſay that ſo, &c By pretext of which, the Juſtices heredo increaſe the Damages of the ſaid *Plaintiffe* by occaſion of that maim beſides the forty ſhillings by the ſaid jury above therein aſſeſſed to ſeventeen Marks: Therefore it is con-

considered that the said *Plaintiff* recover againſt the ſaid *Defendant* his damages as well to ſix Marks by occaſion of the ſayd Treſpaſs as for his Coſts aud Charges aforeſaid by the ſayd jury above aſſeſſed as to ſeventeen marks of Increaſe by the Court here added, which ſaid damages in the whole do amount unto three and twenty marks, and the ſaid *Defendant* be taken, &c:

Taken.

Verdict and judgement for the plaintiff upon Son aſſault demeſne *pleaded, and further damages increaſed upon that the plaintiff loſt the ſight of one eye.*

Trin. Term. 2. *H.* 4. *rot.* 264: In Treſpaſs as above, the *Defendant* pleads of the aſſault of the *Plaintiffe*, and at the Aſſizes the Jury ſay upon their oathes, that the *Defendant* with force and arms of his wrong, and without cauſe, by the ſaid *Defendant* within alleadged, did beat, wound, and evill intreat the ſaid *Plaintiff* againſt the peace of the ſaid King, in form as &c. and they do aſſeſs damages by occaſion of the ſaid Treſpaſſes, &c. and here upon the ſaid *Plaintif* being there preſent before the ſaid Juſtices, ſaith, that the ſaid *Defend.* by the ſaid beating and wounding ſtruck the ſaid *Plaintiff* in her left eye, whereupon the ſaid *Plaintiff* wholy loſt ſight of the ſame eye and the ſame *Plaintif* doth deſire that this alſo may be enquired

red of bythe ſaid Jury, which ſaid jury being charged therewith by the ſayd juſtices who ſay upon their oathes that the ſaid *Defendant* did ſtrike the ſaid *Plantiffe* upon her ſaid eye in doing the ſaid Treſpaſſes ſo that the ſaid *Plaintiffe* wholy loſt the ſight of the ſame Eye, and the ſayd *Plaintiffe* doth alſo deſire that it may be enquired of by the ſaid Jury, what damages the ſame *Plaintiffe* ſuſtained by occaſion of the ſaid beating and wounding; and alſo what Damages the ſaid *Plaintiffe* ſuſtained as in Coſts and Charges by her, about her in this behalf expended, whereupon the ſaid Jury having enquired, ſay upon their oathes, that the ſayd *Plaintiff* ſuſtained Damages by occaſion of t he ſaid beating & wounding to forty pound And thev further ſay, that the ſaid *Plaintiff* ſuſtained Damages in Coſts and Charges, *&c*, beſides the ſaid 40*l.* to the value of ten pounds: Therefore it is conſidered, that the ſaid *Plaintiffe* recover againſt the ſaid *Defendant* her ſaid Damages above by the ſaid Jury in form aforeſaid aſſeſſed to fifty pounds, and alſo other fifty pounds by the Juſtices here by occaſion of the Deformity of the ſaid *Plaintiffe* by the ſaid wound upon her Eye, and loſs of the

the ſight of the ſaid eye adjudged, beſides the fifty pounds by the ſaid Jury in form aforeſaid taxed, and the ſaid *Defendant* be taken, &c.

Taken, &c

Challeng to the array becauſe the Coroners led the jurors of the Denomination of the plaintiff.

EAſter Term 28. H. 8. rot. 558: *And hereupon the Defendant doth challenge the Array of the Pannell of the ſaid Jury, becauſe he ſaith that that Pannell was made and arrayed by* A. *and* C. *Coroners of the ſaid county, at the Denomination and in favour of the Pannell of the ſaid Plaintiff, aad this he is ready to verifie, and requeſteth that the ſame pannell may be quaſhed, and the ſaid Plaintiff ſaith, that the ſaid pannell by the ſaid Coroners was well and equally made, and not at the denomination, nor in favour, nor in promotion of the ſaid Plaintiffe, whereupon the ſaid Juſtices by the conſent of the ſaid parties, did chooſe and aſſign,* D. *and* E. *two of the ſaid Jury now appearing to try the ſaid Challenge, which ſaid triall being elected and tryed, ſay upon their oathes, that the ſaid pannell was well and faithfully made and arrayed by the ſaid Coroners, and not at the denomination neither in favour nor in promotion of the ſaid Plaintiff, whereupon the Jurors of the ſaid jury being called tryed and ſworn, ſay, &c.*

Eaſter

Easter Term. 7. Ed. 6. *rot.* 339. At which day here came as well, &c. as, &c. and becauſe the Juſtices here will adviſe themſelves, &c. At which day, &c. and the *Defendant* further ſaith, that he at the time of the making of the ſaid Act, was a Subject of the King of this Realm of *England*, and a Subject of the Queen that now is, and that the ſaid forfeiture or penalty aforeſaid, in the Act aforeſaid not excepted nor foreprized, but is fully and plainly pardoned, and this he is ready to verifie, whereupon he prayeth Judgment that the ſayd free pardon may be allowed him, &c, whereupon the premiſſes being ſeene, and by the Juſtices here fully underſtood, as to the moiety of the ſayd ten pounds, (to wit) five pounds thereof due to the ſayd Plaintiffe by occaſion of the premiſſes: It is conſidered that the ſayd Plaintiffe recover againſt the ſayd *W. D.* the ſayd five pounds, and his ſayd Damages to one and fifty ſhillings, by the ſayd Jury in forme aforeſaid aſſeſſed; and alſo fifty ſhillings to the ſaid Plaintiffe at his requeſt, &c. which ſaid damages in the whole doe amount unto five

Pardon pleaded, and admitted as to part.

five pounds one ſhilling, and as to the other part of the ſaid ten pounds, to wit, other five pounds thereof due to the King by reaſon of the ſaid Attempt, that the ſaid free pardon be allowed to the ſaid *W: D:* thereof, *&c.*

A new Venire facias awarded.

Eaſter term. 34. *H.* 8. *rot.* 650: And the Jury thereof impannelled, were called, and hereupon the ſaid Jury as well by the conſent of the ſaid parties, as of themſelves of giving any verdict within contained, by the Juſtices here are diſcharged: Therefore the Sheriff is commanded that of new he cauſe to come here in the morrow of the *Holy Trinity* Twelve, &c.

A writ of enquiry quaſhed, and a new one awarded.

AT which day here came the ſaid *Edmund* in his proper perſon, and the Sheriff now delivereth here the ſaid writ to him directed, together with a certaine Inquiſition by the ſaid Sheriff by virtue of the ſaid Writ, by the oathes of twelve, *&c.* taken and annexed to the ſaid writ, which ſaid Writ together with the ſaid inquiſition remaineth upon the File amongſt the Writs of the ſaid county of *Stafford*, which ſaid Writ being ſeen and

and read, and by the ſaid juſtices here fully underſtood, it ſeemeth to the ſaid Iuſtices here that the ſayd Writ is vicious and inſufficient for the ſaid Sheriff to take the ſaid inquiſition of and upon the premiſſes by virtue thereof, ſo that the ſaid Inquiſition taken by the ſaid Sheriff by virtue of the ſaid writ is, is altogether void and of no vigour nor effect in Law, and that the ſaid Sheriff had no authority by virtue of the ſaid writ to take any inquiſition of and upon the premiſſes, for that in the ſaid Writ of Inquiry of Damages, theſe words following, to wit (We command you, that by the oath of honeſt and lawful men of your county, you diligently enquire what Damages the aforeſaid *Edmund* ſuſtained) were omitted: Therefore it is conſidered, that as well the ſayd Writ of enquiry of Damages as the ſayd Inquiſition taken by the ſaid Sheriff, by virtue of the ſaid Writ be annihilated, and altogether held as nothing, and as more times the Sherif is commanded, that by the oath of honeſt & lawful men of his county, he diligently enquire what damages the ſaid *Edmund* ſuſtained as well by occaſion of the premiſſes, as for his coſts, &c. And the Inquiſition which, the Sheriff make

appear

appeare here, ſuch a returne) under the Seale, &c. And Seales, &c the ſame day is given to the ſaid *Edmond* here, &c.

Trin. Term 9 *Eliz. rot.* 1041: Therefore it is conſidered, that the ſaid *John Hart* make Suit to the ſaid *Mill* of the ſaid *Oliver* in *Moodbury* aforeſaid. And alſo it is conſidered that the ſaid *Oliver* recover againſt the ſaid *Jo:* his ſaid damages to 30 *s.* 8 *d.* by the Jury, &c. And alſo, &c. Iudgement given in *Hillary* Terme 12. *E. Reginæ.*

EAſter *Terme* 1 *and* 2 Phil. *and* Mary rot. 329. *Aud the Jury ſay upon their oaths, that the ſaid* B *was ſeiſed of the ſaid Rent, by the hands of the ſaid* Anthony, *as by the hands of his true Tenant within fifty years, &c. And deſire the adviſe of the Court if the ſeiſin of the ſaid Rent be ſeiſin of the ſaid ſervices, or not. And they aſſeſſe damages, &c. And Judgement for the Defendant, that ſeiſin of the Rent, is alſo ſeiſin of the ſervices, &c.*

Indgement in a Replevin for the Plaintiff.

EAſter Terme 18 *Eliz. rot.* 1507. And the Sherif, &c. A certaine Inquiſition before him at *C.* in the County aforeſaid by

by the Oathes of Twelve, &c. taken by which it is found that the ſaid *W.* ſuſtained damages by occaſion of the taking and unjuſt deteyning of the ſaid Cattell, beſides his coſts, &c. to 20 *s:* And for thoſe coſts, &c. to 3 *s:* 4 *d.* Therefore it is conſidered that the ſaid *W* recover againſt the ſaid Defendant his ſaid damages to 23 *s.* 4 *d.* by the ſaid Inquiſition in forme aforeſaid found. And alſo 56 *s.* 4 *d.* to the ſaid *W:* at his requeſt, &c. the damages in the whole, do amount unto 80 *s.* And the Defendant in mercy, &c. *Mercy.*

As above ſuſtained damages, by occaſion of the Treſpaſſe aforeſaid, beſides, &c: And the Defendant be taken, &c. *Judgement in Treſpaſſe*

By occaſion of the ſpeaking and pronouncing of the ſaid Engliſh words beſides, &c. And the Defendant in mercy, &c: *For ſcandalous words.*

By occaſion of breaking of the ſaid Covenant, and the Defendant in mercy, &c. *For breach of Covenant.*

By occaſion of not performing of the ſaid Aſſumption, &c. And the Defendant in mercy, &c. *For breach of promiſe.*

E*After* Terme 26 *Eliz. rot*, 1650. *tr. Trin.* And the Sheriff is commanded that he diſtraine the ſaid *Richard* by all his lands &c. And that of the iſſues, &c: ſo that he reſtore to the ſaid *Ann* the ſaid Cow, and if the ſaid *Richard* ſhall not reſtore the ſaid Cow to the ſaid *Ann* then by the Oath of honeſt and lawfull men of his Baily wick, he diligently inquire how much that Cow is worth, according to the true value of the ſame, and what damages the ſaid *A* ſuſtained, as well by occaſion of the detaining of the ſaid Cow. As for her coſts, &c. And the Inquiſition which, &c. the Sheriffs make appeare here at the aforeſaid Terme under the Seale, &c. And Seales, &c. At which day here came the parties, &c. And the Sherif ſent not the Writ. Therefore as to trie the ſaid iſſues above joyned as before, the Sherif is commanded that he cauſe to come here from the day of Saint *Michaell* in one Moneth twelve, &c. to recognize in forme aforeſaid, &c. And as to diſtraining the ſaid *R* to reſtore the ſaid Cow to the ſaid *A* as aforeſaid let another writ thereof be made to the ſaid Sherif in forme aforeſaid returnable

nable here at the ſaid Terme, &c. At which day here came the parties, &c. And as to the ſaid Writ of diſtreſſe, &c. the Sherif hath done nothing therein, nor ſent the Writ. Therefore as more times, let another Writ thereof be made to the ſaid Sherif in forme aforeſaid returnable herein eight dayes of Saint *Hillary*, &c. And at the ſaid Moneth of Saint *Michaell* the Jury between the ſaid parties of the ſaid plea, whereupon the ſaid parties above pleaded to iſſue of the Country was reſpited between them here, untill this day, that is to ſay, in eight dayes of Saint *Hillary*, unleſſe *James Dyer* Kt. chief Juſtice of the Queen of the Bench here aſſigned by form of the Statute, &c. on Thurſday the 27 day of *November* laſt paſt, at *Guildhall London* ſhall firſt come, And now here at this day came the ſaid *A.* by her ſaid Attorney. And the ſaid chief Juſtice before whom, &c. ſent here his Record in theſe words. Afterwards &c. And alſo at this day the Sherifs, to wit, *C B* and *W K.* deliver here a certaine Inquiſition before them at Guild-Hall *London*, the ſixth day of *January* laſt paſt by the Oathes of Twelve, &c. taken by which it is found that the ſaid *R* did not

reſtore to the ſaid *Ann* the ſaid Cow, and that the ſaid Cow is worth 60 *s.* And that the ſaid *A* ſuſtained damages by occaſion of detaining of that Cow, beſides her coſts and charges, *&c.* to 40 *s.* And for thoſe coſts and charges to 20 *s.* Therefore it is conſidered that the ſaid *A* recover againſt the ſaid *R.* as well the ſaid Debt of 12 *l.* by the ſaid *A* againſt the ſaid *R* by vertue of the ſaid writing above demanded, and the ſaid Debt of 20 *s.* which by the ſaid Jury is above found that the ſaid *R* oweth to the ſaid *A.* and that ſhe have Execution againſt the ſaid *R* for the ſaid thirteene pounds of the ſaid Debt, And of the ſaid 20 *s.* of the ſaid Debt in forme aforeſaid, formerly recovered reſidue, and her ſaid damages to 53 *s.* 6 *d.* by the Jury aforeſaid, in forme aforeſaid aſſeſſed, as the ſaid 60 *s.* for the value of the ſaid Cow & her damages to 60 *s.* by the Inquiſition in form aforeſaid found: and alſo 86 *s.* 6 *d.* to the ſaid *A* at her requeſt, &c. which ſaid damages in the whole do amount unto 10 *l.* & 1 *s.* And the ſaid *R.* in mercy, *&c.*

Mercy.

Judgement for Rent arrear

Mich. Terme 18 and 19. *Eliz. rot.* 1470 Therefore it is conſidered that the ſaid *A* recover of the ſaid *B* the ſaid Annuall

nuall Rent, and the arrerages of the ſame as well before the day of bringing the ſaid Originall Writ as after incurred, and his ſaid damages to 13 *s.* and 4 *d.* by the Jury aforeſaid, in forme aforeſaid aſſeſſed and alſo 96 *s.* 8 *d.* to the ſaid *A* at his requeſt, *&c.*, which ſaid arrerages and damages in the whole do amount unto 11 *l.* 10 *s.* And the ſaid *B* in mercy, *&c.* *Mercy.*

AT which day here came as well the ſaid *T H* and *D.* as the ſaid *H M* and *G L.* by his ſaid Attorneys; and hereupon the ſaid *H* and *G* relinquiſh their juſtification, *&c.* And ſay that they cannot gainſay, but that the ſaid *T* and *D.* ought to have execution againſt them of the ſaid 200 *l.* nor but that they did not offer to pay to the ſame *T* and *D* the ſaid 110 *l.* upon the ſaid ſixteenth day of *Jan.* at *H* aforeſaid, within the Church-yard of the ſaid Pariſh Church there as the ſaid *T* and *D* above hath alleaged. Therefore it is conſidered that the ſaid *T* and *D.* have Execution againſt the ſaid *H* and *G.* of the ſaid 200 *l.* in forme aforeſaid acknowledged, and hereupon the ſaid *T* and *D* freely here in Court do acknowledge that they are ſatisfied of the ſaid 200 *l.* Therefore the ſaid *H* and *G* of the ſaid 200 *l.* are quiet, *&c.* *The Defendant relinquiſheth his plea of Conditions performed to a Bond, and after ſatisfaction acknowledged.*

Entries.

Entry of a Certiorare to certifie the foot of a Fine to be cancelled

Pasch. 6 *H* 8 *rot.* 26. Afterwards, that is to say 21 day of *November*, in the seventh yeere of the Raigne of the said now Lady the Queen, before the said Queen at *Westminster*, came the aforesaid *W F* and *I* his Wife in their proper persons, and prayeth a Writ of the said Queen unto *Richard Diccons* Keeper of the Writs of the same Queen of the Common Bench aforesaid to be directed to certifie the foot of the said Fine unto the same Queen, &c. and it is granted unto them, &c. By which it is commanded unto the aforesaid Keeper of the Writs of the said Bench, that the foot of the said Fine in the Fyles of the Fines in his custody remaining, he doth extract, and such foot of that Fine so fully and wholly, as before him remaining unto the said Queen on the morrow of the *Purification*, &c. Wheresoever, &c. he doth send to be cancelled according to the forme and effect of the said Judgement, &c. And further, &c: Which said Keeper of the Writs, by vertue of a Writ unto

unto him thereupon directed, certified unto the ſame Queen the foot of the Fine in form aforeſaid which among the Records the of Terme of St *Hillary* in the ſeventh yeare above ſaid is ſyled, &c. which ſaid foot of the Fine in forme aforeſaid, and alſo the ſaid Judgment of and upon the annulling of the ſame Fine in forme aforeſaid given to the Sheriff. and by the Court of the Queen here more fully underſtood. It is conſidered that the foot of that Fine by the Court here ſhould be cancelled. And it is cancelled, &c. according to the conſideration above ſaid, *&c.*

Entry of reverſing of an Outlawry for default of the Defendant upon a Scire fac.

AT which day before the ſaid Queen at *Weſtminſter* cometh the ſaid *H P.* in his proper perſon. And the Sheriff returned that the ſaid *I H* hath nothing in his Bayliwick, by which he might make known unto him, neither is he to be found in the ſame. Therefore as formerly the Sheriff is commanded that by honeſt, &c, he make known unto the aforeſaid *I H* that he be before the ſaid Queen in eight dayes of Saint *Michaell* whereſoever, &c. to heare the Record, and proceeding aforeſaid if &c. And further, &c. the ſame day is given unto the afore-

ſaid *I P* &c. At which day before the ſaid Queen at *Weſtminſter* cometh the ſaid *H. P.* in his proper perſon, And the Sheriffe returned that the aforeſaid *I.H.* hath nothing in his Bayliwick, by which he might make known unto him, nor is he to be found in the ſame, and the ſaid *IH.* although the fourth day of the plea being ſolemnly called, came not: Upon which, of the Sheriff, and by the Court of ſaid Queen here more fully underſtanding all and ſingular the premiſſes, the matter and the delivery there upon had: It is conſidered that the ſaid Judgment & Outlawry aforeſaid for the Errors aforeſaid, and the Record and proceeding aforeſaid found ſhall be reverſed, annulled, and altogether accounted for nothing. And that the ſaid *I P.* to the Common Law of the Kingdome of the Lady the Queen of *England*. And alſo to all things which by occaſion of the Judgement and Outlawry aforeſaid hath loſt, he be reſtored. &c.

Entry of a diſcharge of Manucaptors *& of the Marſhall for that, that the Defendant rendred himſelfe, and the Plaintiffe prayed not execution againſt him.*

AFterwards, that is to ſay, &c. the day before the ſaid Queen at *Weſtminſter* cometh the ſaid *I W:* in his proper perſon

ſon, and according to the forme of the ſaid Recognizance doth render himſelfe to the Priſon of the Marſhall of the Marſhallſey of the Lady the Queen before her the ſaid Queen, by occaſion of the ſaid Judgement of and upon the premiſſes againſt him the ſaid *I:* rendred, as it appeareth in that ſame Terme of Saint *Michaell* in the fifth year of the Raigne of the now Queen in the Roll 171. Therefore the ſaid Manucaptors of their ſaid Recognizance are diſcharged: And the ſaid *I W.* for that that the ſaid *I B.* who then and there was preſent in his proper perſon, did not deſire Execution againſt the body of the ſaid *I: W* of the damages aforeſaid, againſt him the ſaid *I W* by the ſaid Judgement recovered: Therefore the ſame *I W* by the Court of the ſaid Queen here out of the cuſtody of the ſaid Priſon is let go at large: And the Marſhall of the Marſhallſey of the Queen, before her the ſaid Queen from further cuſtody of him the ſaid *I W* by the Court of the ſaid Queen at preſent is altogether diſcharged, &c.

Paſch. 3.

Entry of Law finiſhed.

Paſch. 3 *Ed.* 6. *rot.* 672. And this he is ready to defend againſt him, and his Suit, in whatſoever manner the Court of the ſaid King here ſhall conſider therefore he doth wage unto him, thereupon his Law himſelfe with *duodena manu*, and he cometh with his law before the ſaid King at *Weſtm.* the day, &c: And it is ſpoken unto the foreſaid Attorney, that he ſhall have before the ſaid King at the ſame day the ſaid Defendant his Maſter to finiſh thereupon his ſaid Law pledges *I D* and *T R* the ſame day is given to the ſaid parties there, &c. At which day before the ſaid King at *Weſtminſter* come as well the ſaid Plaintif by his Attorney, as the ſaid Defendant in his proper perſon. And upon this he finiſhed thereupon his Law himſelf with *duodena manu.* Therefore it is conſidered that the ſaid Plaintiff ſhall take nothing by his ſaid Bill, but for his falſe clamour he be thereupon in mercy, and the ſaid Defendant ſhall go thereupon without day, &c.

The

THe Sheriff was commanded that he ſhould cauſe to be called *W S.* late of, &c. from County to County, untill, &c. he ſhould be outlawed, if not &c. and if, &c. then he ſhall take him, and ſafely, &c: ſo that he ſhould have his body before the ſaid King in eight dayes, &c. whereſoever, &c. to anſwer unto theaforeſaid *R* of a plea, wherefore with force and Armes, &c. And againſt the peace, &c. At which day before the ſaid King at *Weſtminſter* cometh the ſaid *F.* by *T S.* his Attorney, and the ſaid *W*: came not, and the Sheriff returned that at the County of *S* held at *S.* on Thurſday the ninth day of *November* in the 6th. yeare of the Reign of the now King, and ſo to the third from the County next preſedent the ſaid *W* was called, and did not appeare: And that there were no more Counties, therefore the Sherif is commanded, that thoſe being allowed the fourth County at which &c. cauſing him further to be called from County to County, until he ſhould be outlawed, if not, &c. And if &c. then he ſhall take him, and ſafely, &c. ſo that he may have his Body before the ſaid King

Entry of a Writ of Allowance upon the Exigent.

King in eight daies of Saint *HILLARY*, whereſoever, *&c.* To anſwer unto the aforeſaid *F.* of the plea aforeſaid, *&c.*

ſſ: AND ſo the ſayd Outlawry is Erroneous and void in Law, for that the ſaid *I. D* one of the ſaid Executors at whoſe Suite, the ſayd *I: D:* in forme aforeſayd, remaineth outlawed in the Court of the ſayd Lord the King perſonally appeared, and acknowledged, that hee is ſatisfied of the ſayd Debt and Damages, as before appeareth of Record: Therefore the ſayd *I: B.* as before prayeth, that the ſaid Outlawry for the ſayd error, and other things in the Record and Proceedings aforeſaid being, may be reverſed, annulled, and altogether for nothing eſteemed, and that hee to the Common Law of the Kingdome of the ſaid King of *ENGLAND*, and to all things which hee by occaſion of the ſaid Outlawry hath loſt, may be reſtored, *&c.* And that the Court of the ſayd King here, may proceed to the

the Examination of the premiſſes, *&c.* Upon which of the Sheriff, *&c.* by the Court of the ſayd King, here upon the diligent View, as well of the ſayd Record and proceedings, as of the laſt Errour in the Reverſing of the ſaid Outlawry before alleadged, and aſſigned, it is conſidered that the ſaid Outlawry for that Error and other things in the ſaid Record and Proceedings found ſhall be reverſed, annulled, and altogether for nothing eſteemed, and that the ſaid *I. B.* to the Common Law of the Kingdome of the ſaid King of *ENGLAND*, and to all things which he by occaſion of that Outlawry hath loſt, ſhall be reſtored, *&c.* And hee ſhall go thereupon without day, *&c.*

Outlawry reverſed.

Paſch. 9. *H.* 8. *rot.* 29. At which day before the ſaid King at *Weſtminſter*, came as well the ſay *J. A.* and *R. P.* as the ſaid *I. P.* and *I. D.* by their ſayd Attorneys, and the ſaid *R. P.* one of the Plaintiffs in the ſayd Writ of Errour the fourth day of the plea, being ſolemnly called came not, and

Entry of a new writ of errour upon the old Roll when the firſt writ is quaſhd after the death of one of the Plaintiffs.

And upon this the ſaid *I A.* and *R P.* ſay that after the laſt continuance of the ſaid Writ of Error, that is to ſay, after the ſaid eight dayes of Saint *Mich:* and before this 15 day of Saint *Hillary*, that is to ſay the day, &c. In the yeare, &c. the ſaid *R P.* at *N.* in the County of *S:* dyed. And this they are ready to prove, &c. as the Court, &c. whereupon they pray Judgement, and that the ſame Writ of Error may be quaſhed and made void, &c. And the ſaid *I.B* and *I P.* ſay that they cannot gainſay the ſaid Allegation, but doth well acknowledge that to be true, and do confeſſe the Writ of Error aforeſaid to be quaſhable for which it is conſidered by the Court of the ſaid King here, that the ſame Writ of Error, of and upon the ſaid Record, and proceeding by the Court ſhal be annulled, &c. And upon this as before, *&c.*

Entry of the Quaſhing of a Writ of Error not rightly obteyned, and the inroling of a new writ.

H 22. *H.6. rot:* 21. Afterwards, that is to ſay, the twelfth day of *February*, in that ſame Term before the ſaid King at *Weſtminſter*, came the ſaid *W.H:* and *I.* by *A.H.* their Attorney, and ſay, that the ſayd Writ of Errour was not rightly obtained, and remaineth inſufficient & quaſh-

quaſhable in Law, and pray Licenſe to get a better Writ of Error, and it is granted unto them, &c. And afterwards that is to ſay, the nine and twentieth day of *Aprill* then next following, before the ſaid King at *Weſtminſter*, came the ſaid *W.H:* and *I:* by their ſaid Attorney, and brought before the ſayd King there, a certain new writ of Errour, which followeth in theſe words, ſſ *Henry*, &c. and upon this the ſaid *W:H.* and *I.* ſay, that in the ſayd Record and proceeding, and alſo in the rendring of the ſayd Judgment it is manifeſtly erred, and they pray a Writ to warne the ſayd *J. C:* to be before the ſayd King, to hear the ſaid Record and proceeding, and it is granted unto him, &c. by which the Sheriff is commanded, that by honeſt, &c. he ſhould make the aforeſayd *A.C.* to know, *&c.*

Entry upon a writ of errour, when the cheif Juſtice did not ſend a writ of Diminution, &c, and the Def. prayeth licenſe to imparle to the Errors,

15. *H.6. rot.* 62: At which day before the ſaid King at *Weſtminſter*, came the ſaid parties by their ſaid Attorney: And the aforeſaid *T:W:* cheif Juſtice, *&c.* hath not ſent thereupon a Writ, nor any Record of the ſayd omiſſion for diminution in form aforeſayd alleadged, before the ſaid King certified, &c. Upon which the

the ſaid *I: M.* as before alledgeth the ſayd Error, and prayeth that the ſaid judgment for that Errour and other things in the ſaid Record and proceeding remaining, may be reverſed, annulled, and altogether for nothing accounted, and that he to all things, which he by occaſion of the ſaid Judgment had loſt, may be reſtored, *&c.* and that the Court of the ſaid King here may proceed to the Examination of the Premiſſes, and the ſayd *T: I:* and *E.* pray Licenſe thereupon to impari, and it is granted unto them, *&c.* And upon this day therupon is given to the ſaid parties before the ſaid King, untill &c. from the day &c, whereſoever, *&c:* that is to ſay, the aforeſaid *T.* and *E.* to imparl, &c. and then to rejoyn to the ſayd Errours, &c.

Entry upon a writ of Pone.

Buck. ſſ. J P. In his own perſon, profered himſelf the fourth day againſt *I. T.* of a plea, wherefore he did take the Cattell of him the ſayd *J P:* and the ſame unjuſtly detained againſt Sureties, and Pledges, &c. and he came not, and hath thereupon a day by prefixion before the ſaid King, *&c.* At this day, that is to ſay in eight dayes, *&c.* whereſoever, *&c.*

At

at which day, the plaint therupon was put before the ſayd King here, at the prayer of the ſayd *I.P.* therfore the ſherif is commanded, that he put by ſureties & ſafe Pledges the ſaid *IC* that he may be before the ſaid King in 8 days, &c. wherſoever, &c. to anſwer to the ſaid *IP* of the plea aforſaid, &c.

Entry of a Capias upon nothing returned upon a diſtreſs, the Defendant rendred himſelf, and a Superſedas awarded.

THe Sheriff was commanded that he ſhould diſtrain *R.B.* by all his Lands &c. and that of the profits, &c. and that he ſhould have his body before the Lord the King at *Weſtminſter*, the day, &c. to anſwer unto *I. M.* of a plea of treſpaſs, at which day before the ſayd King at *WESTMINSTER*, came the ſayd *M.* in his proper perſon, and the Sheriff returned, that the ſaid *R.B.* hath nothing *&c.* by which, *&c.* Therefore the Sheriff is commanded, that he ſhall take him, if, *&c.* and ſafely, *&c.* ſo that he might have his body before the ſaid King at *Weſtminſter*, the day, *&c.* to anſwer unto the aforeſaid *I. M.* of the ſaid plea *&c.* the ſame day is given unto the ſame *J. M.* there *&c.* Afterwards that is to ſay, the the tenth day of *November* in that ſame Term before the ſaid King at *Weſtminſter*, came the ſaid *R.* in his proper perſon, and rendred himſelf to the priſon of the ſayd

King by the occaſion aforeſaid, who is committed to the Marſhalſey, *&c.* and prayeth a Writ of *Superſedeas*, and he hath it, &c. and upon this came *W. M.* and the other, and they undertook to have the body of the ſaid *K:* before the ſayd King at *Weſtminſter*, at the ſame day, &c.

Entry of a Capias in Withernam, after the Declaration is quaſhed, for that the taking was made in another County, as where the writ was proſecuted.

THe Sheriff was commanded, whereas *T* ſhould be attorned by a writ of the ſaid Queen of ſecond deliverance to be in the court of the ſaid Queen here, that is to ſay, at *Weſtminſter*, to anſwer unto *W A* of a plea wherefore the ſame *T.* the day, &c. at *S.* in the County of *H.* in a certain place called *S.* took Cattell, (that is to ſay) one Bull, &c. and the ſame unjuſtly detained againſt Sureties and Pledges. Notwithſtanding which, becauſe it manifeſtly appeareth to the Juſtices here that the ſayd *S.* is without the ſayd County of *E.* in which County the ſaid Writ, and all the proceedings thereupon made and had, were proſecuted; for which it was conſidered in the ſame Court, that the ſaid Declaration ſhould be quaſhed, and that the ſaid *T.* ſhould go thereupon without day: And that he ſhould have return of the ſayd Cattell to be detained unto himſelf

ſelf irrepleviable for ever, and that the Sheriff thoſe cattell unto the ſame *T.* to be detained uuto him irrepleviable for ever, ſhould cauſe to be returned: And which way ſoever, &c. the Sheriff ſhould make appear here at this day, that is to ſay, on the morrow of *Soules*, &c. And now here at this day cometh the ſayd *T.* in his own perſon, and the ſaid Sheriff of the ſaid County of *Eſſex*, now ſendeth that the ſaid Cattell were driven away by the ſaid *W.* to places to him unknown; ſo that thoſe Cattell unto the ſame *T.* hee could not cauſe to be returned. Therefore it is commanded unto the Sheriff, of the ſayd County of *E.* that of the Cattell of the ſaid *W.* in his Bailiwick to the value of thoſe Cattell which unto the aforeſaid *T.* in the ſame Court were adjudged in *Withernam*, he ſhould take, & the ſame ſafely and ſecurely he ſhould cauſe to be kept untill the Cattell of him the ſaid *W.* unto the aforeſaid *T.* in the ſame Court firſt adjudged, he might deliver; and which way ſoever, the Sheriff ſhould make maniſeſt here from the day, &c. And the Sheriff now ſendeth that the ſayd *VV.* hath no Cattell to the value of the ſaid Cattell within the Liberty of him the ſaid She-

riff which he could take in *Withernam*, as the ſaid Writ in it ſelf called, and requireth, and that the ſaid *W*, hath nothing in the Bailiwick of him the ſaid Sheriff by which he might attach. Therefore the Sheriff is commanded that he ſhall take the ſaid *W*. if, &c and ſafely, &c, ſo that he might have his body here in eight dayes of Saint *Hillary*, to anſwer as well to the ſaid Queen ot a contempt unto the ſame Lady the Queen, as unto the aforeſaid *T*. of the Damage and wrong unto him in this behalf brought, &c.

Entry of a Teſtatim *upon a* fieri facias.

THe Sheriff was commanded, that he ſhould cauſe to be made ſixty ſhillings of the Goods and Chattells of *G. B.* in his Bailiwick, and that money he ſhould have before the ſaid King at *Weſtminſter*, the day, *&c.* laſt paſt, to render unto *I.M.* for his damages which he ſuſtained, as well by occaſion of a certain Treſpaſs unto the ſame *&c:* done, as for the Coſts, &c. as in the writ whereof he is convicted: At which day before the ſaid King at *Weſtminſter*, came the ſayd *I.* in his proper perſon, and the Sheriffe returned, that the ſayd *G.* hath no Goods nor Chattells in his Bailiwick,

wick, wherupon the ſaid ſum or any parcel thereof might be made or levied, *&c.* Upon which on the behalf of the ſaid *I.* in the Court of the ſayd King, before him the ſame King, it is ſufficiently teſtified that the ſaid *G.* hath enough in the County of *K.* whereupon the ſaid ſumm might be levied: Therefore a command is to the Sheriffe of *K.* that hee ſhould cauſe to be made ſixty ſhillings of the Goods and Chattells of the ſame *G.* and that money, hee ſhall have before the ſayd King at *VVeſtminſter* the day, *&c.* to render, *&c.* The ſame day is given to the aforeſayd *Plaintiffe* there, *&c.*

Entry of a writ of Duces tecum.

THE Sheriffe was commanded, that the Body of *R.B.* by him taken and in the Priſon of the ſaid Queen under his Cuſtody, although ſick, detained; as by his Return to the ſayd Queen at *Weſtminſter*, the day *&c.* laſt paſt, ſent himſelfe, he charged hee ſhould have before the ſayd Queene at *WESTMINSTER*, the Day, *&c.* to anſwer unto *I.M.* of a plea of Treſpaſs, *&c.* At which day before the ſayd Queen

at *VVeſtminſter*, came the ſaid *I.* in his proper perſon, and the Sheriff returned that the ſaid *R.* as yet doth languiſh, and with ſuch, and ſo much ſickneſs is grieved in the priſon, &c. that without great danger of death he cannot travell nor be carryed: Therefore the body of the ſayd *R.* before the ſaid Queen at the aforeſaid day, he cannot have, as to him it was commanded, upon which the ſaid *I.* ſaith, that *R.* is ſound and in good health, and able to travell, and not ſick as the ſame Sheriffe before hath returned, &c. And prayeth a Writ to the ſame Sheriff to be directed, under a pain, &c. and it is granted unto him, &c. by which the Sheriff is commanded, that in his proper perſon he be before the ſaid Queen at *VVeſtminſter*, the day, &c. bringing with himſelf the body of the ſaid *R.* although ſick, in his proper perſon, &c. to ſatisfie unto the aforeſaid *I.* of his ſaid Damages, &c. and this in no wiſe he ſhall omit, under the pain of ten pounds, &c. the ſame Day is given to the ſame *I.* there, &c.

Mich

Mich. 23 and 24 *Eliz. Rot.* 109. Therefore came thereupon the Jury before the Lord the King at *Weſtminſter* the day, &c: And who neither, &c. To recognize, &c: becauſe as well, &c. The ſame day is given to the ſaid parties there, &c. At which day before the ſaid King at *Weſtminſter* came the ſaid parties by their ſaid Attorneys, and the Sheriff ſent not the Writ; And upon this the ſame Plaintif ſaith, that after the laſt continuance of the ſaid plea, that is to ſay after the Saturday next after, *&c.* now laſt paſt from which day the ſaid Plaint was continued here untill this day, that is to ſay the day, *&c. R. P.* Eſquier, late Sherif of the ſaid County of *E* from the ſame Office of Sheriff of that County was duely amoved, and the ſaid King now by his Letters Patents hath committed unto one *T P* Knight the cuſtody of the ſaid County of *E.* by pretence of which ſaid Letters Patents the ſaid *I P* now remaineth Sheriff of that County, which ſaid *T P* at *A* aforeſaid, took to his wife *Ann* of the blood of *M.* now the wife of him the Plaintif, that is to ſay the Daughter of *R D.* the

Entry of a Challenge after iſſue joyned where the Sheriff is amoved, &c.

Between Barkley *and* Jefferſon.

ſonne of *W D* Knight father of *Ann*, Mother of the ſaid *M* now wife of him the Plaintiff, which ſaid *T P* Knight, and *A.* had iſſue between them *A P* yet alive, and in full life remaining at *A* aforeſaid, and this he is ready to prove, *&c.* And out of that cauſe he prayeth a Writ of the Lady the now Queen of *Venire facias* to try the ſaid iſſue in forme aforeſaid joyned, to be directed to the Coroners of the ſaid County, and becauſe the ſaid Defendant doth gaineſay, and doth not grant that to be true, therefore notwithſtanding the ſaid challenge a command is to the Sherif, that he make to come Twelve, *&c.* of the Viſne of *B.* by whom *&c.*

Challenge gainſayed.

Entry of a Writ of Averment againſt the Sheriff.

T Rin. 1 *Ma. rot.* 150. The Jurors between *A* which was the Wife of *R P.* by her Attorney, according to the forme of the Statute, *&c.* do appeale, and *E H* late of, *&c.* to acknowledge upon their Oath, whether the ſaid *E.* be guilty of the death of the ſaid *R P.* her Husband whereof the ſame *A* doth appeale him the ſaid *E* in the Court of the ſaid Queen, before her the Queen, and alſo is put in reſpit before her the Queen untill

untill from the day of Saint *Michaell* in fifteen dayes, whereſoever, *&c.* the ſame day is given to the ſaid parties, that is to ſay, to the aforeſaid *E* by Bayle in which firſt, At which day before the ſaid Queen at *VVeſtminſter*, came as well the ſaid *A* by her Attorney, according to the forme of the Statute, *&c.* as the ſaid *EH* in his proper perſon: And the Sheriff returned, that every one of the Jurors of the ſaid Jury were diſtrained, and the Manucaptors are *John Doo* and *Rich. Roo*, whereof the iſſue of every one of the ſaid Jurors is five ſhillings. And thoſe ſo diſtrained, and the fourth day of the plea ſolemnly called came not, upon which on the behalfe of the ſaid *E* before the ſaid Lady the Queen, it is teſtified in the Court of her the Queen here, that the ſaid Sheriff after that the ſaid Writ of diſtreyning the Jurors aforeſaid was delivered unto him in forme aforeſaid, that is to ſay, the 12 day of *June*, in the yeare of the Raign of the ſaid Queen, *&c.* and before the day of the returne of the ſaid Writ of *Diſtringas* the ſaid Sheriff more iſſues then the ſaid 5 *s.* of every the ſaid Jurors according to the rate of the yearly Rent aforeſaid, within the ſaid

County

County, might have anſwered 10 *l.* And this ſhe is ready to prove: And the ſame *A* prayeth a Writ of the ſaid Queen to the Juſtices of her the Queen next to be aſſigned to hold Aſſizes in the ſaid County of *VVarwick*, to enquire the truth in the premiſſes: And it is granted unto him, &c. by which a command is to the Juſtices of the ſaid Queen next to hold Aſſizes in the ſaid County of *VVarwick*, that by the Oath, *&c:* in the preſence of the ſaid Sheriff if he will intermedle do diligently inquire of what, and how much iſſues the ſaid Sheriff of the iſſues of the Lands and Tenements of every Juror of the ſaid *A* at the time, in which the ſaid Writ of *Diſtringas* unto the ſame Sheriff, was delivered untill to the ſaid 15 day of Saint *Michaell*, might have anſwered: And the Inquiſition with, *&c.* unto the ſaid Queen here, from the day of *Eaſter* in 15 dayes, wherſoever, *&c.* ſhall make known together with the Queens Writ unto him thereupon directed. *&c.*

A Entry

A Entry in Appeale of death.

A. Which was the Wife of *I W.* who brought a Writ of the Lord the King, against *R R.* late of *N* in the Parish of *&c.* of the death of the said *I. W.* sometime her Husband whereof she appealeth him, &c. That Writ is not prosecuted. Therefore she shall be taken, and her pledges of prosecution, that is to say *T C.* and *T M* in mercy, &c.

Entry of not prosecution in Appeale of death.

Mercy.

Judgement in Appeale of Mayhme.

Pasch. 1 *Eliz. The like Judgement in Tres-pass. H:* 28. *H.* 8. *rot.* 21. Therefore it is considered that the said *T.* shall recover against the aforesaid *I* his said damages to forty shillings by the said Jury, in forme aforesaid assessed, and also 50 *s.* unto the same *T.* at his request for his damages in this behalfe by the Court of the said King here for that, that unto

Iudgement in Appeale of Mayhme where damages are increased by the Court for that that they were not enough.

unto the ſame Court upon view of the ſaid Mayhme, and over and beſides by the ſame Court with *N A.* and *I H.* Chyrurgions in the art of Chyrurgery ſufficently learned and skilfull thereupon, had, it ſeemed the damages aforeſaid, by the ſaid Jury before aſſeſſed, to be not enough of the increaſe of the ſame Court adjudged, which ſaid damages in the whole do amount to 4 *l.* 10 *s.* And the ſaid *I.* ſhall be taken, &c.

Judgement in Appeale of Murther.

Judgement and Verdict againſt the Plaintiff in Appeale of Murder.

BEfore the ſaid King at *Weſtminſter*, came as well the ſaid *A* by his ſaid Attorney, as the ſaid *R* in his own perſon, and the Jury, &c. ſay upon their Oath, that the ſaid *R* in nothing is guilty of the ſaid Felony and Murder unto him in forme aforeſaid impoſed, as the ſame *R* above in pleading hath alleaged neither by that occaſion ever withdrew him ſelfe, &c. Therefore it is conſidered that the ſaid *R.* of the ſaid Felony and Murder be quitted &c. And that he

Quitted without day he ſhall be taken.

he may go thereupon without day, &c. And the ſaid *A* ſhall be taken, &c.

Judgement and Verdict in Appeale of Robbery for the Plaintiff.

AFterwards the proceeding thereupon contained between the ſaid parties by the Jury is put thereupon between them in reſpite before the ſaid King at *Weſtminſter*, untill this day, that is to ſay the *Wedneſday*, &c: from thence next following for default of Jurors, &c. At which day before the ſaid King at *Weſtminſter*, came the ſaid *R* in his own perſon, and the ſaid *T* under the cuſtody of the Marſhall in his own Perſon likewiſe came, and the Jury impannelled, being called, likewiſe came, who being choſen, tryed and ſworn to ſpeak the truth of the premiſſes ſay upon their Oath, that the ſaid *T* is guilty of the ſaid Felony as the ſaid *R* hath before appealed him, and that he was taken to renew the proſecution of the ſaid *R*. And that the ſaid *T* hath no Lands, nor Tenements Goods, nor Chattells, neither at the time of the ſaid Felony had. Therefore at the prayer of the ſaid *R*: It is conſidered that the ſaid *T* ſhall be hanged, &c. and that the ſaid *R* his ſaid Goods and Chattells, &c.

Debt

Debt.

Entry of a Remitment againſt one Defendant, and judgement againſt the other.

UPon which the aforeſaid *Plaintiffe* relinquiſheth herein Court his Action aforeſaid againſt the aforeſaid *J.* & expreſly acknowledgeth that he will not any further proſecute againſt the ſame *I:* in the plea aforeſaid, nor any further thereupon in any manner to moleſt, &c. Therefore it is conſidered, that the aforeſaid *Plaintiff* recover againſt the aforeſaid *H.* his Damages aforeſaid by the Inquiſition aforeſaid found, and the aforeſaid *H.* ſhould be taken, &c. and the aforeſaid *I:* ſhould goe thereupon without Day, &c

The entry of a Venditioni exponas *for part of the debt and a* fieri fac. *for the reſt.*

IT was commanded the Sheriff, that of the Goods and Chattells of *R: D:* in his Bailiwick, he cauſe to be levied twenty ſhillings, and that he ſhould have that money before our Lord the King at *VVeſtminſter* (ſuch a Return) to render *I. M:* for his Damages, &c. (as in the Writ) whereof he is convict. At which day, before our Lord the King at *VVeſtminſter*, came the aforeſaid *I:* in his proper perſon and

and the Sheriff returned, that by virtue of the Writ of the Lord the King, to him thereupon directed, he took Goods and Chattells of the aforesaid *R:* to the value of 10*l.* which with him the aforsaid Sherif remain unsold for want of buyers, whereupon hee could not have that mony before our Lord the King at that day, and that the same *R:* had no more goods or Chattells in the Bailiwick of the same Sheriff, whereupon he could be able to levy any more mony in the aforesaid writ contained: Therefore it is commanded to the Sheriff, that the Goods and Chattells aforesaid, by him in form aforesaid taken, he should put to sale, & that he have the mony therupon before our Lord the King at *Westminster* (such a Return) It is commanded also to the same Sheriff, that of the Goods and Chattells of the aforesaid *Defendant*, he cause to be levied, *&c.* so much the residue, &c. and that he have that mony, &c. at *Westminster* such a return, to render the aforesaid *I.* for the residue of his Damages, &c. the same day, &c.

FRom which day, the Jury aforesaid, between the parties aforesaid, of the Plea aforsaid was put in respite between them

The entry of a judgment upon an issue tried at bar.

them before our Lord the King at *VVeſtminſter*, untill ſuch a day then next following for default of Jurors &c. At which ſaid day, &c: before our Lord the King at *VVeſtminſter* came the parties aforeſaid by their Attorneys aforeſaid, and the Jurors of the Iury aforeſaid being called, in like manner came, who to ſpeak to the truth of the premiſſes being c hoſen, tryed and ſworn, ſay upon their Oaths that the aforeſaid Defendant of his proper injury, and without any ſuch cauſe by him the ſaid Defendant in his barr above alleaged, did procure the aforeſaid Plaintiff to be endicted, and the ſame Plaintiff upon that occaſion in the Priſon of *N* aforeſaid to be detained, and as a common Felon cauſed to be kept in manner and forme, as the aforeſaid Plaintif in his Declaration aforeſaid againſt the ſame Defendant hath declared, and they aſſeſſe the damage of him the ſaid Plaintiff, by reaſon of the Treſpaſſe aforeſaid over and above his coſts and charges by him about his Suit in this behalfe laid out to 20 *l.* And for thoſe his coſts and charges to 3 *l.* Therefore it is conſidered that the aforeſaid Plaintiff ſhall recover againſt the aforeſaid

ſaid Defendant his damages aforeſaid by the Jury aforeſaid, in forme aforeſaid aſſeſſed, as alſo 30 *s.* to him the ſaid Plaintiff for his coſts and charges aforeſaid, by the Court of our Lord the King hereof his aſſent adjudged of increaſe, which ſaid damages in the whole amount unto 24 *l.* 10 *s.* And the aforeſaid Defendant is to be taken, &c.

Judgement affirmed in a Writ of Error, and coſts by reaſon of delay of Execution.

AND the aforeſaid Plaintiff prayes a Writ of our Lord the King, to warne the aforeſaid Defendant, of being before our Lord the King, to heare the record, and proceſſe aforeſaid, and it is granted unto him, &c. Upon which it is commanded the Sherif that by honeſt men, &c. he cauſe to be made known to the aforeſaid Defendant, that he be before our Lord the King (ſuch a return) where ſoever, &c. To heare the record and proceſſe aforeſaid, if &c. And further, &c: The ſame day is given to the aforeſaid Plaintiff, &c: At which day before our Lord the King at *Weſtminſter*, came the parties aforeſaid, by their Attorney aforeſaid. And the Sheriff returns that by vertue of the Writ of our Lord the King to him thereupon directed, he

had made known to the aforeſaid Defendant of being before the Lord the King at the day and place in the ſaid Writ contained, as it was commanded unto him to heare the Record and proceſſe aforeſaid, if &c. by honeſt men, &c. Which ſaid Defendant according to his warning to him made, came by *F S.* his Attorney; upon which the aforeſaid Plaintiff ſayes, that in the Record and proceſſe aforeſaid, as alſo in the rendring Judgement aforeſaid, there is manifeſtly Error by alleaging the Errors aforeſaid in form aforeſaid alleadged. And prayes that the Judgement aforeſaid for the Errors aforeſaid, and other, remaining found in the Record and proceſſe aforeſaid may be revoked and nulled, reverſed, and altogether held for nought. And that he to all things which by occaſion, &c: And that the aforeſaid Defendant to the Errors aforeſaid may rejoyne, &c. And the aforeſaid Defendant ſayes that neither in the Record and proceſſe aforeſaid, nor in the rendring Judgement aforeſaid, there is in any thing Error. And prayes in like manner that the Court of our Lord the King, may proceed to the examination, as well

of

of the Record and proceſſe aforeſaid, as of the matters aforeſaid above for error aſſigned: But becauſe the Court, &c. Upon which as wel the Record and proceſſe aforeſaid to the rendring the Iudgment thereupon as the aforeſaid cauſes and matters above by the aforeſaid Plaintiff for Error aſſigned being ſeen and by the Court of our Lord the King here more fully underſtood and diligently examined, For that it appeareth to the ſame Court of our Lord the King here, that the Record remaines in nothing vitious or defective, And that the Record is in nothing erronious. Therefore it is conſidered that the Iudgment aforeſaid in all things be affirmed and remaine in all its force, vigor and effect notwithſtanding the aforeſaid cauſes, and matters for Error above aſſigned, And further by the ſame Court it is conſidered, that the aforeſaid Defendant ſhall recover againſt the aforeſaid Plaintiff 20*s.* to him the ſaid Defendant, by the Court of our Lord the King here of his aſſent adjudged according to the forme of the Statute thereupon lately publiſhed, and provided for his coſts and charges, which he ſuſtained, by occaſion of

the delay of his Execution aforesaid by pretext of the prosecution of the said Writ of Error of our Lord the King, and that the aforesaid Defendant have his Execution, &c.

Judgment in high Treason.

¶ *It is considered that* Edward Duke *of* Buckingham, *be brought by the aforesaid Constable of the Tower of* London *unto the same Tower, and from thence through the middle of the City of* London *unto the Gallowes of Tiborne, be drawne and there hanged up: And being yet alive, be cast upon the Earth, and that his Intrayles be taken out of his Belly, and that they be burnt he yet living, and that his head be strucken off, and that his Body be divided into foure parts, and that his head, and those quarters be placed, where our Lord the King shall be pleased to assigne, &c.*

Judgement that a Felon be discharged from the Judgement of death for that the goods taken were under value.

And presently it is demanded by the Court here of the aforesaid I. *if he have any thing for himselfe or knoweth what to speak, wherefore the Court should not proceed to the Execution of and upon the Attaynder aforesaid, who sayes nothing, &c. Therefore it is considered by the same Court, that for as much as the parcells aforesaid in the Indictment*

dictment aforeſaid, contained upon which he remaines abovc attaynted, are not of ſo great value, as by the Law of England *they ſhould be for which he ought to dye. Therefore it is conſidered, that the aforeſaid* I. *go without day, &c. And that the aforeſaid Sherif from the execution of the ſame* I. *be here altogether diſcharged, &c.*

Iudgement revoked for nonage at the time of Iudgement had.

AT which day, &c. the perſon of the aforeſaid *R* being by the Court here looked into the ſame *R* being then and there perſonally preſent in the Court here before her the ſaid Queen for that it manifeſtly appeared to the ſame Court here by inquiry and view of the perſon of him the ſaid *R* that the ſame *R* at the time of the rendring of the Iudgement aforeſaid, in forme aforeſaid rendered, was within the age of one twenty years in manner and forme, as &c. Therefore it is conſidered that the Judgement aforeſaid for that Error and others in the Record, &c. be revoked adnulled, and altogether held for nothing, and that the ſame *R* to the Tenements aforeſaid with the appurtenances, and unto all things which he by occaſion of the Judgment aforeſaid hath loſt, be reſtored, &c.

Judgement in Treſpaſs where the Court mitigates damages by aſſent of the Plaintiff.

UPon which, &c. for that that it ſeems to the Court of our Lady the Queen here, that the damages aforeſaid by the Jury aforeſaid, in forme aforeſaid aſſeſſed, are too too ample, It is told the aforeſaid Plaintif, that he mitigate his Damages more reaſonably. Whereupon the ſame Plaintiff relinquiſheth and defaulketh 14 *l.* of the aforeſaid 20 *l.* parcell, &c. Therefore that 14 *l.* ſo defaulked, it is conſidered, that the aforeſaid Plaintiff recover againſt the aforeſaid Defendant 6 *l.* reſidue of the damages aforeſaid: As alſo, &c.

Judgement upon the Statute for impounding of a Diſtreſs.

TRin: 2 *Jacobi rot.* 245 Therefore it is conſidered that the aforeſaid plaintif ſhould recover againſt the Defendant as well 100 *s.* by him the ſaid Defendant according to the forme of the Statute aforeſaid forfeited, as the damages aforeſaid by the Jurors aforeſaid, in forme aforeſaid aſſeſſed to the treble value, according to the forme of the Statute aforeſaid, which ſaid damages in the treble value, and the aforeſaid 100 *s.* for the forfeiture aforeſaid, in the whole amount unto 8 *l.* and the afore Defendant in mercy, &c.

Trin.

Judgement upon the Statute of 5 Eliz. for fiſhing in ſeverall waters of the Plaintiff.

TRin. 4. *Jacobi rot.* 998. And upon this the aforeſaid Plaintiff as to the damages aforeſaid to two pence by the Jurors aforeſaid, for the breaking and entring of the cloſe aforeſaid, in forme aforeſaid aſſeſſed, as alſo as to the aforeſaid ſix pence for the coſts and charges aforeſaid, by the Jury aforeſaid, in forme aforeſaid aſſeſſed, he freely here in Court remits to the aforeſaid Defendant, thoſe damages, coſts and charges. Therefore the ſame Defendant of thoſe damages, coſts and charges is thereupon to be quit upon which no reſpect being had of the aforeſaid two pence for damages, or of the aforeſaid ſix pence for coſts and charges aforeſaid, in forme aforeſaid aſſeſſed, and by the aforeſaid Plaintiff above remitted. It is conſidered that the aforeſaid Plaintif ſhall recover againſt the aforeſaid Defendant, the damages aforeſaid, to the aforeſaid 3 *l.* by the Jury aforeſaid, in forme aforeſaid aſſeſsed, to the treble value, according to the forme of the Statute aforeſaid, and in like manner his damages aforeſaid to the aforeſaid ſix pounds by the Iury aforeſaid in forme aforeſaid, in like manner

aſſeſſed to the treble value, according to the forme of the Statute aforeſaid. Which ſaid damages in the treble value, amount unto 27 *l.* And that the aforeſaid Defendant ſhall ſuſtaine impriſonment of his body by the ſpace of three Moneths. And after the aforeſaid three Moneths expired, ſhall finde a ſufficient ſecurity for his good behaviour towards our ſaid Lord the King, his heirs and ſucceſſors, and towards all his leige people for the ſpace of ſeven years, or otherwiſe ſhall abide and remaine continually in priſon without bayle or mainepriſe, untill he the ſame Defendant can be able to find ſuch ſufficient ſecurity during the aforeſaid time and ſpace of ſeven years, and the aforeſaid Defendant is to be taken, &c: And in like manner the Plaintiff is to be in mercy for his falſe claime, for the reſidue of the Treſpaſſe and contempt, whereof the aforeſaid Defendant ſtands acquitted, And the aforeſaid Defendant is to go thereupon without day; &c.

And

AND upon this the ſame *James* freely here in Court remits to the aforeſaid *W.B.* the aforeſaid three ſhillings and four pence for his Damages aforeſaid againſt him the ſaid *W.B.* by occaſion of the ſecond Treſpaſs in the Declaration aforeſaid above ſpecified by the Jury aforeſaid in form aforeſaid aſſeſſed, and to the aforeſaid *W.W.* the aforeſaid three ſhillings and four pence by occaſion of the third Treſpaſs in the Declaration aforeſaid above ſpecified by the Jury aforeſaid in forme aforeſaid aſſeſſed, and to the aforeſaid *F.B.* the aforeſaid three ſhillings and four pence for the Treſpaſs aforeſaid whereof as well the ſame *James* as the ſame *F.* have put themſelves on the Judgment of the Court, and to the aforeſaid *T.H.* *W.B.* *W:W.* and *F:B.* the aforeſaid two pence to him the ſaid *James* for his Coſts and Charges by the Jury aforeſaid in form aforeſaid aſſeſſed. And further the ſame *James* as to the matter aforeſaid, whereof as well the ſame *James* as the aforeſaid *F.* have put themſelves on the Judgment of the Court, acknowledgeth that he will not any further proſecute againſt the ſame *F.* by occaſion therof, nor for any therupon to moleſt him upon

Judgment in treſpaſs againſt one Defendant with a remitter of damages againſt other defendants upon ſeverall iſſues joyned.

upon which the premiſſes by the Court here being fully ſeen and underſtood, and no reſpect being had unto the aforeſaid three ſhillings and four pence againſt the aforeſaid *W:B.* in form aforeſaid aſſeſſed, nor unto the aforeſaid three ſhillings and four pence by him the ſaid *James* againſt the aforeſaid *W. W.* in like manner aſſeſſed, nor unto the aforeſaid other three ſhillings and four pence to the aforſaid *Ja.* againſt the aforeſaid *F.* in like manner aſſeſſed, nor unto the aforeſaid two pence by the Jurors aforeſaid for the Coſts and Charges aforeſaid, in form aforeſaid aſſeſſed, and by the aforeſaid *James* in form aforeſaid remitted: It is conſidered that the aforeſaid *James* ſhall recover againſt the aforeſaid *T.H.* the aforeſaid three ſhillings and four pence for his Damages by occaſion of the Treſpaſs by him made, by the Jury aforeſaid in form aforeſaid aſſeſſed, as alſo againſt the ſame *T.* and the aforeſaid *W. B. W. W.* and *F. B.* twelve pounds for his Coſts and Charges by him about his ſuit in that behalfe layd out, to him the ſaid *James* by the Court here, &c. which ſaid Damages, &c and the ſame *T.H.* is to be taken, &c. and in like manner the ſame *W. B. &c.*

Therefore

THerefore it is conſidered, that the aforeſaid *I.S.* ſhall recover againſt the aforeſaid *W.* his Damages aforeſayd to the aforeſaid forty ſhillings, by the Jury aforeſaid above aſſeſſed, and the ſame *W.* is to be taken, *&c.* And after he ſhall be taken, he ſhall remain in the priſon of our Lord the King, by three years then next following untill he hath made his fine and Redemption with our Lady the Queen, *&c.* *Judgement in maintenance.*

UPon which the aforeſaid *Plaintiffe* in the Court of our Lady the Queen here, before her the ſaid Queen, prayes his Judgment of the premiſſes to be rendred unto him, *&c.* And the premiſſes being ſeen and diligently ſearched into by the Court of our Lady the Queen here: It is conſidered that the aforeſayd *R* ſhould recover againſt the aforeſaid *Defendant*, the Damages aforeſaid by the Jury aforeſaid, in the County Palatine, in forme aforeſaid aſſeſſed, as alſo forty pounds to him the ſaid *R.* at his requeſt for his coſts and charges by the Court of our Lady the Queen here of Increaſe adjudged, which ſaid damages in the whole amount *Judgement upon an iſſue tried before the Chancellour of the county palatine of* Lancaſter.

mount unto eleven pounds, and the aforesaid Defendant is to bee taken, &c.

The awarding of a Haberi facias pos-sess, *and the return thereof.*

AND upon this the aforesaid *Plaintiffe* prayes a Writ of our Lord the King to cause him to have possession of his Term aforesaid as yet to come, of and in the Tenements aforesaid with the appurtenances, and it is granted unto him returnable before our Lord the King at *Westminster*, on monday next after eight dayes of Saint *Hillary*. At which day before our Lord the King at *Westminster*, came the aforesaid *Plaintiff*, by his Attorney aforesaid, and the Sheriff to wit, &c. returned; that he by virtue of that Writ, (such a day and year, &c.) had caused to be given to him the said *Plaintiffe*, his full possession of his said Terme yet to come, of the Tenements aforesaid with the Appurtenances, according to the purport of that Writ, *&c*:

Otherwise.

AND upon this, Command is given to the Sheriff, that to the aforesaid Plaintiffe, possession of his Tearm aforesayd, as yet to come, of and in the Tenements aforesaid with the

the Arpurtenances without delay, hee ſhould cauſe to be had, and in what manner the writ of our Lord the King, thereupon executed, he ſhould make appear to our Lord the King at Weſtminſter *(ſuch a return)* &c. *the ſame day is given to the aforeſaid Plaintiff there,* &c. *at which day* &c. *as before.*

OUR Lady the Queen commanded, &c. *Elizabeth, &c.* At which day before our Lady the Queen at *Weſtminſter*, came the aforeſaid *Plaintiffe* by *H.H.* his Attorney, and the Sheriff returned, that by virtue of the Writ of the Lady the Queen to him thereupou directed, he had made known to the aforeſaid *G.S.* of being before our Lady the Queen at the aforeſaid Term to do and receive, as the ſame Writ requires, by *R.S.* and *G. W.* honeſt men, *&c.* Which ſaid *G.* although ſo warned, and the fourth day of the plea being ſolemnely called came not, but made default; Therefore it is conſidered that the aforeſaid *I.H.* have Execution againſt the aforeſaid *G:S* of his Debt and Damages aforeſaid, &c.

Judgement by default after a Sciretacias returned

Debt and damages.

From

The entry where two Defendants are dead after iſſue joyned.

FRom which day the Jury aforeſaid, &c. were put in reſpite, &c. untill, &c. At which day before our Lord the King at *Weſtminſter*, came as well the aforſaid *R C*. as the aforeſaid *W.C* by their Attorneys aforeſaid, and the Sheriff ſent not in thereupon the Writ: And upon this the ſame *R:* ſayes, that the aforeſaid *C*. and *T*. are dead, &c. And the aforeſaid *L*. and *I*. the ſame doth not deny: Therefore the proceſſe thereon againſt the ſame *C*. and *T*. are to ceaſe any further to be made. *&c*. Upon which the aforeſaid *R. C*. prayes proceſs between him and the aforeſaid *L*. and *I*. to be further made, &c. and it is granted unto him, &c: Therefore the Jury aforeſayd is further put in reſpite before our Lord the King on the morrow of *All Soules*, whereſoever, &c: for default of Jurors, &c. Therefore the Sheriff is to have the Bodyes, &c. The ſame day is given to the parties aforeſaid now appearing, &c.

Judgement for an execution upon a nihil *returned upon a* Scire fac.

THe Lord the King ſends the Sheriff his Writ, &c. in theſe words, *James* &c. (and ſo recite the Writ *Verbatim*) At which day before our Lord the King at

at *Weſtminſter*, came the aforeſaid *Plaintiff* by *W.S.* his Attorney, and the Sheriff returned, that the aforeſaid *Defendant* had nothing in his Bailiwick whereby he might make knowne unto him, nor is found in the ſame, and hee came not, Therefore it is commanded the Sheriff as otherwiſe it was commanded him, that by honeſt men, &c. he ſhould make known to the aforeſaid *Defendant* that he be before our Lord the King at *Weſtminſter*, in eight dayes, &c. whereſoever, *&c.* to hear if, *&c.* And further *&c.* The ſame day is given to him the ſaid *Plaintiff*, *&c.* At which day before our Lord the King at *Weſtminſter*, came the aforeſaid *Plaintiffe* by his Attorney aforeſaid, and the aforeſaid *Defendant* came not, and the Sheriff returned, that he had nothing in his bailiwick whereby he might make it known unto him, nor is found in the ſame. Therefore it is conſidered that the aforeſaid *Plaintiff* ſhall have his Executi-on againſt him of the Damages aforeſaid, according to the force, form, and effect of the recovery aforeſayd, *&c.*

Who

Judgment and verdict in forcible entry.

WHO ſay upon their oathes, that the aforeſaid *Defendants* into the Mannor of *F.* within written, with the Appurtenances did peaceably enter, and him the ſaid *Plaintiffe* out of the ſame did expell and diſſeize, and ſo expelled and diſſeized afterwards by ſtrong hand, and by force and arms did hold out of the ſame as the ſame *Plaintiffe* againſt them complaineth, and they aſſeſſe the Damages of him the ſaid *R.* as well by the occaſion of the aforeſaid Entry, Expulſion, and Diſſeiſin, as the aforeſaid with ſtrong hand holding out of the ſame Mannor, after the ſame Entry, Expulſion and Diſſeiſin in form aforeſaid had over and above his Coſts and Charges by him about his ſuit in that behalf layd out to ten ſhillings, and for thoſe his Coſts and Charges unto ten ſhillings more. Therefore it is conſidered that the aforeſaid *Plaintiff* ſhall recover againſt the aforeſaid *Defendant* his Damages aforeſaid as well by occaſion of the Entry, Expulſion, and Diſſeiſin aforeſaid, as the aforeſaid holding out by ſtrong hand out of the Mannor aforeſaid with the Appurtenances, after that Entry, Expulſion, and Diſſeiſin in form

forme aforesaid, had to the treble value according to the forme of the Statute aforesaid, by the Jury aforesaid, in forme aforesaid assessed, Which said damages to the treble value amount unto &c. and the same Defendants are to be taken, &c.

Judgement in Præmunire upon the Statute of 16. Rich. 2.

II. *And the aforesaid* T *and* I: *in their proper persons come, and say that they cannot deny the aforesaid action, nor but that they and either of them is guilty of all and singular the premisses, above in the Declaration put upon them and either of them, and they expresly acknowledge and either of them acknowledgeth the action without the Declaration to be true in manner and forme as the aforesaid* W: *who as well, &c. above against them declareth. Therefore it is considered that the aforesaid* W *shall recover against the aforesaid* T *and* I. *his damages aforesaid, as also* 40 *s. to him the said* W *of his assent by him about his Suit in that behalfe layd out. And also that the aforesaid* T *and* I. *be put out of the protection of our Lord the King, And that all their Lands and Tenements, Goods and Chattels be forfeited to our Lord the King, according to the forme of the Statute aforesaid, in the*

said sixteenth yeare published, And the same T *and* I. *are to be taken, &c. And the same* T *and* I *present here in Court, are committed to the Marshall, &c.*

Judgement affirmed & Error amended.

AT which day before our Lord the King at *Westminster*, came the parties aforesaid by their Attorneys aforesaid; upon which all and singular the premisses by the Court of our Lord the King here being fully seen and understood, and mature deliberation being thereupon had, for that it appears to the Court of our Lord the King here, that the Record aforesaid in the matter aforesaid, above for Error assigned, ought to be corrected and amended according to the forme of the Statute, thereupon lately published and provided. Therefore that record is so amended in these words (of him the said *W. H.*) above in the Declaration aforesaid, by the command of the Court of our Lord the King within written, for that that it appeares to the same Court of our Lord the King, that the Record aforesaid remaines in nothing vitious or defective, and that that Record is in nothing Erroneous: Therefore it is considered that the Judgment

ment aforesaid in all things be affirmed, and stand in all its strength and vertue, notwithstanding the said cause or matter in any thing above for Error assigned, &c:

Judgement upon the Statute of Labourers.

THerefore it is considered that the aforesaid Plaintiff should recover against the aforesaid Defendant, as well the service aforesaid, for the Terme aforesaid by him the said *R* not yet fulfilled as his damages aforesaid by the Jury here unto 100 *s.* by occasion aforesaid taxed, and upon this the aforesaid Plaintiff remits to the aforesaid Defendant the damages aforesaid. Therefore the same Defendant of those damages is to be quit, &c. And the same Defendant prayes that he may be admitted to his fine with our Lady the Queen, who is admitted, &c. as it appears in the Roll of Fines, this selfe same Terme. Therefore the same Defendant is delivered to the aforesaid Plaintiff to serve him in his service aforesaid, during the Terme aforesaid.

Otherwiſe THerefore it is conſidered that the aforeſaid Plaintiff ſhould recover againſt the aforeſaid Defendant his aforeſaid ſervice for the reſidue of the aforeſaid Terme not paſt for the whole Terme aforeſaid remaining, and now following. And his damages for that Terme, from the time wherein the ſame Defendant departed from his ſaid ſervice untill now by the Court taxed to 6 *s.* and 8 *d.* And notwithſtanding of Fine of the ſame Defendant, becauſe he is within the age of fifteen years, &c.

Judgement where one Defendant is acquit, and the other found guilty. AFterwards, &c. *Who being choſen, tryed and ſworne to ſpeak to the truth of the premiſſes, ſay upon their Oathes that the aforeſaid* W R *is in nothing guilty of the Treſpaſſe aforeſaid, as the ſame* W *above by pleading hath alleadged, and further the ſame Jurors ſay upon their Oaths, that the aforeſaid* E E *the day and yeare aforeſaid of his own proper injury, and without the cauſe by him the ſaid* E *above by pleading alleadged on the aforeſaid* R P *at* W *made an aſſault and him did beat, wound and evill treated in manner and forme, as the aforeſaid* R P *above hath pleaded. And they*

aſſeſſe

aſſeſſe the damage of him the ſaid R *by reaſon of that treſpaſſe over and above his coſts &c. to &c. and for thoſe coſts and charges to* 20 *s. Therefore it is conſidered that the aforeſaid* R *ſhall recover againſt the aforeſaid* E *his damages aforeſaid, by the Jury aforeſaid in forme aforeſaid aſſeſſed. And the ſame* E *be taken, &c. And the aforeſaid* R P *for his falſe clayme againſt the aforeſaid* W R. *of the Treſpaſſe aforeſaid, whereof he above ſtands acquitted to be in mercy, &c.*

Judgment in a Writ of Error for revoking of a Fine.

WHereupon as well the things and proceſſe aforeſaid, as the matters aforeſaid for Error above aſſigned, being ſeen, and by the Court of our Lord the King here fully underſtood. And upon mature deliberation thereupon had. It is conſidered that the Fine aforeſaid, as to the aforeſaid *W H. and his heirs* for the Errors aforeſaid be revoked adnulled, and altogether held for nothing. And that the aforeſaid *W* to all things, which by occaſion of the Fine aforeſaid he hath loſt, be reſtored, &c.

Iudgement in Replevin *where the Iuſtices aſſigne the damages.*

THerefore it is conſidered that the aforeſaid Playntiff ſhall recover againſt the aforeſaid Defendant 100 *s*: for

his damages aforesaid over and above his costs and charges by him, &c. of his assent, and the aforesaid Defendant by the Court here adjudged, and for those his costs and charges to 10 *s.* And the aforesaid Defendant is to be taken, &c.

Judgement upon a writ of Enquiry of damages.

AT which day before the Lord the King at *VVestminster* came the aforesaid Plaintiff by his Attorney aforesaid. And the Sherifs to wit *R G* and *S S.* returned a certaine Inquisition taken before them at *L.* aforesaid in the Parish, &c. (such a day and yeare aforesaid) by the Oathes of *T R VV M* and *L R* &c. honest men, &c. who say upon their Oathes, that the aforesaid Plaintiff sustained damages, by occasion of the non-performance of the promise and assumption aforesaid, over and above his costs and charges by him about his Suit in that behalfe layed out to 7 *l.* and 10 *s.* And for those costs and charges to 26 *l.* and 8 *d.* Therefore it is considered, that the aforesaid Plaintiff should recover against the aforesaid Defendant his damages aforesaid, by the Iury aforesaid, in form aforesaid found, as also 33 *s.* and 4 *d.* for his damages, which he sustained as well

well by occaſion of the premiſſes, as for his coſts and charges by him about his Suit in that behalfe layed out, to him the ſaid Plaintiff by the Court of our Lord the King here of Increaſe of his aſſent adjudged, which ſaid damages in the whole do amount unto 10*l.* and 10*s.* And the aforeſaid Defendant in mercy, *&c.*

Judgement after a Writ of Error in the Exchequer Chamber.

THerefore it is conſidered that the aforeſaid Plaintiff ſhall recover againſt the aforeſaid Defendant, his debt aforeſaid, and his damages aforeſaid, by the Jury aforeſaid, in forme aforeſaid aſſeſſed, as alſo 10*l.* for his coſts and charges by him about his Suit in this behalfe layd out, to him the ſaid Plaintif by the Court of our ſaid Lord the King here of his aſſent adjugded of increaſe, which ſaid damages in the whole do amount unto, &c. of the goods and chattells which were the aforeſaid *A I.* at the time of his death in the hands of the aforeſaid Defendant to be adminiſtred, if ſo much, &c. And if ſo much, &c. he have not, &c. Then the Debt and damages aforeſaid to be levied of the proper goods and chattels of the aforeſaid

Defendant. And the aforesaid Defendant in mercy, &c.

Judgement by not being informed upon an action of Trespass on the case.

AS in an action of Debt unto undefended, for which the same Plaintiff ought to recover his damages against the aforesaid Defendant, by occasion aforesaid, and because the Court of our Lord the King here, knoweth not what damages the aforsaid Plaintiff in this behalfe hath sustainad, command is given to the Sheriff, that by the Oath of honest and lawfull men of his Bayliwick, he diligently enquire what damages the aforesaid Plaintiff hath sustained as well by the occasion aforesaid, as for his costs and charges by him about his Suit in this behalfe layed out, and the inquisition which, &c. hee should send to our Lady the Queen (such a returne) under his Seale, &c. And the Seales, &c. together with the Writ of our Lady the Queen to him thereupon directed. The same day is given to the aforesaid Plaintiff here, &c.

Judgement in a Writ of Error.

AND the aforesaid *H C* by protestation, that in the Record and processe aforesaid, there is nothing erroneous, nor that

that the Judgment aforeſaid, in form aforeſaid rendred, ſtands in any thing vitious or defective, yet for plea, the aforeſaid *H.* ſayes, that the matters aforeſaid above for Errors aſſigned, are alleadged and aſſigned as Errors and Defects in the Law, and not as Errors and Defects in Fact. Which ſaid Errors and Defects in the Law, in whatſoever Judgment rendred in the Court of our Lord the King of Errors to be returned, ought to be examined, tryed and adjudged in his Parliament, and not in the Court of our Lord the King, before him the ſaid King, wherupon the ſame *H.C.* prays Judgment if the Court of our Lord the King here will further proceed to the Examination of the Matters aforeſaid, &c. upon which all and ſingular the premiſſes being ſeen, and by the Court of the Lord the King here fully underſtood, and mature deliberation being therupon had, it is conſidered, and by the ſame court it is told the aforeſaid *W.* that for his remedy of and upon the premiſes in the power of the Parliament of our Lord the King, he may follow it if he will & the aforſaid *H C* may have execution againſt the aforeſaid *W.* of the damages afore ſaid, and upon this the aforeſaid *W.*

rendred

rendred himſelfe a Priſoner to the Marſhall of the Marſhalſey of our Lord the King, for the damages aforeſaid, who is committed to the Marſhall in Execution for the damages aforſaid there to be kept ſafe untill, &c. and the ſame *W.* prayes that his Manucaptors in this behalfe, to wit *J:M.* and others of the Recognizance who ſtand bound for the ſame *W:H:* to the aforeſaid *H.G.* may be diſcharged, and as well the premiſſes as the Recognizance by them the ſaid Manucaptors in that behalf entred into, being by the Court here ſeen, it is conſidered that the ſame Manucaptors of that Recognizance, and the damages aforeſaid, may be thereof quit, &c.

Judgment annulled upon an attachment in London;

UPon which all and ſingular the Premiſſes being ſeene, and by the Court of our Lord the King here fully underſtood, and mature deliberation being thereupon had, for that by the Return of the aforeſaid Writ, it manifeſtly appears to the ſame Court of our Lord the King here, that the aforeſaid Writ of *Habeas Corpus* by the aforeſaid *P.* was delivered to the aforeſaid Sheriffs of *London*, and by the aforeſaid *C. D.* one of the Sheriff

Sheriffs of *London*, allowed before the aforesaid Attachment by the aforesaid *R.S.* in form aforesaid was made, by which the attachment aforesaid, and the Judgment and Execution thereupon rendred and adjudged, were void and of no force in the Law, for that after the allowance of the aforesaid Writ of *Habeas Corpus* unto the Return of the same, the body of the aforesaid *P.* by occasion of any other plaint, might not in any thing be molested. Therefore it is considered that the aforesaid Judgment upon the aforesaid Attachment in form aforesaid rendred, be void and of no effect in the Law, and that the aforesaid *P.* from the Prison aforesaid, in which by occasion of the judgment aforesaid he is detained, be delivered out, and of the same Judgement and Execution be quit, &c.

Judgement in assault and battery where the Court augments the damages given by the Jury.

THerefore it is considered that the aforesaid *R.* should recover against the aforesaid *I.W.* his Damages, *&c.* by the Jury, *&c.* in form aforesaid assessed and other five pounds to him the sayd *R.* at his request of the increase of the Court for his Damages in this behalf by the Court of our Lord the King here adjudged,

ged, for that, that it appeareth to the ſame Court here, that the damages aforeſaid by the Jury aforeſaid, in form aforeſaid aſſeſſed, are too mean, for that is manifeſtly ſeen to the Court hereupon view of the aforſaid *R.* that the ſame *R* by occaſion of the treſpaſs and aſſault aforeſaid ſtands much weakned in his body; & hath wholy loſt, & is deprived of the Thumb of his Right hand as alſo ſeven pounds, &c. Which ſaid Damages in in the whole, &c. and the aforeſaid *I.W.* is to be taken, *&c.*

The like with ſome alteration.

THerfore it is conſidered that the aforeſaid *Plaintiffe* ſhall recover againſt the aforeſaid *Defendant* his Damages aforeſaid unto ſo much, *&c.* by the Jury, *&c.* as alſo ten pounds to him the ſaid *T.* at his Requeſt, for his Damages in this behalf by the Court here of the Increaſe of the ſame Court here adjudged for that, that it appears to the ſame Court here upon view of the Mayhem aforeſaid, and conference by the ſame Court had with *N.* and *J.* Chyrurgions, ſufficiently learned and expert in the Art of Chyrurgery, that the damages aforeſaid by the Jury aforeſaid above aſſeſſed, are very

very low and mean) which ſaid Damages in the whole amount unto, &c.

Judgement for the plaintiff in prohibition.

THerefore it is conſidered that the aforeſaid *Defendant* ſhall have no writ of Conſultation in this behalf, but that the aforeſaid *Plaintiffe* of the Tithes aforeſaid by the aforeſaid *Defendant* in the Court Chriſtian aforeſaid, in form aforeſaid demanded, be quit, *&c.* And in like manner the aforeſaid *Plaintiffe* in mercy for his falſe claim againſt the aforeſaid *Defendant* for Treſpaſs and Contempt aforeſaid, whereof the aforeſaid *Defendant* above in form aforeſaid ſtands acquitted, and the aforeſaid *Defendant* may go thereof without day, &c.

Judgement for the Defendant in prohibition.

THerefore it is conſidered that the aforeſaid *Plaintiffe* ſhall take nothing by his bill aforeſaid, but for his falſe claim thereupon be in mercy, and the aforſaid *Defendant* to go without day, *&c.* And further the Writ of our Lord the King of Conſultation is granted to him the *Defendant* by the Court of our Lord the King here, by which it is commanded to the aforeſaid Eccleſiaſticall Judge, that in the cauſe aforeſaid, ſo far as concerne the

the Tithes aforesaid before him, hee act and proceed in according to the Ecclesiasticall Laws, the aforesaid Writ of our Lord the King of prohibition to the contrary, to him formerly thereupon directed and delivered, in any thing notwithstanding,

Judgement for double damages upon the Statute for prosecuting in the court of admiralty.

THerefore it is considered that the aforesaid W. *shall recover against the aforesaid Defendant the damages aforesaid, by the jury aforesaid in form aforsaid assessed, as also* 20 *s. for his costs, &c. of increase to the double, according to the form of the statute aforesaid adjudged, which said damages in the whole amount unto, &c. and that our now Lady the Queen should recover against the aforesaid* N. *the pain of ten pounds, for his prosecution against the form of the Statute aforsaid so made, and the aforesaid* N. *is to be taken,* &c.

The awarding of a Habere facias seisinam, *and the return thereof.*

AND upon this the aforesaid G. *prayes the Writ of our Lord the King, to cause him to have seisin of the Mannor, Tenements, and Advowson aforesaid with the Appurtenances, and it is granted unto him returnable before our Lord the King at* Westminster, *wheresoever,* &c. *At which day the Sherif, to wit* W, S. *Knight*

Knight, returnes that by virtue of that writ hee had caused to bee had to the aforesaid G. *full seisin of the Mannor of* S: *with the appurtenances, and of twenty Acres of Land, one hundred acres of meadow,* &c. *with the appurtenances in* S. *as also of the advowson of the Church of* S. *aforesaid, as by the same writ it was commanded him.*

The entry of the adjournment of the term

THe Lady the Queen sent to her Justices of the Pleas assigned to be holden before her the said Queen her Writ closed in these words, *Elizabeth* by the grace of God, *&c.* (and so recite the Writ *Verbatim*) by virtue of which said Writ, all Pleas, Writs, Bills, Process, and Precepts whatsoever, before the Lady the Queene at and upon the aforesayd eight dayes of the *Holy Trinity*, fifteen dayes of the *Holy Trinity*, and from the day of the *Holy Trinity* in three weeks, or any of them, or any other day between the same eight dayes of the *Holy Trinity* and from the day of the *Holy Trinity* in three weeks to be pleaded, returned depending, or in the mean time having days on the said eight dayes of the *Holy Trinity*, unto the aforesaid eight dayes of Saint *Michaell* without delay be adjourned, &c. And

it

it is commanded the parties in the ſame Pleas, Writs, Bills, Proceſſes, and Precepts, that they be prefixed to the ſame eight dayes of Saint *Michaell*, before our Lord the King, whereſoever, &c: And moreover to all and ſingular Sheriffs, Officers, and Miniſters whatſoever, of the Kingdome of *England*, that they all and ſingular the Writs, Bills, Proceſſes and Precepts before our Lady the Queen, on the ſaid eight dayes, fifteen dayes, and three weeks after the *Holy Trinity*, or any of them, or any other day, ſo as aforeſaid returnable in their hands, ſeverally they remaine, and the ſame at the aforeſaid eight dayes of Saint *Michaell*, before our Lady the Queen, whereſoever, *&c.* they return them, *&c.*

An iſſue joyned where the venew is awarded in two counties.

THe *Plaintiff brings an action of Battery, and layes it in* Eſſex, *The Defendant pleads that the Plaintiffe aſſaulted him at* Weſtminſter, *and from* Weſtminſter *to* Ilford, *in the County of* Eſſex, *where the Plaintiff layes his action, to this is pleaded to iſſue,* De injuria ſua propria, *the venew to ariſe from* Ilford *and* Weſtminſter,

And

The Entry.

And because it appeares to the Court of our Lord the King here, that the issue upon the plea aforesaid, between the parties aforesaid, in forme aforesaid joyned, ought to be tryed as well by men of the aforesaid County of *Essex* of the visenage of *Ilford* aforesaid, as by all men of the County of *Middlesex*, of the visenage of *Westminster*. It is commanded as wel to the Sherif of the County of *Essex*, as to the Sherifs of the County of *Middlesex* that either of them cause to come before our Lord the King at *Westminster*, such a day twelve, &c. whereof every one, *&c.* by whom, &c. And who neither, &c: To Recognize, &c.

A Ven. fac awarded in the County of Camb. for the tryall of a Cause in the Isle of Ely.

AND the aforesaid *S* in like manner, &c. Upon which the aforesaid Plaintif sayes, that the aforesaid village of *E.* is within the Isle of *Elye*. And that the Bishop of *Elye* hath such a liberty within the Isle aforesaid, that no Justice nor any other Minister of our Lord the King ought to enter in that Island to the exercising any Office there, or to take there any Jury or other re-

cognition, nor the free Tenants, nor Reſidents in that Iſland ought to go out of it to make any Jury out of the aforeſaid Iſland. And prayes a Writ of our Lord the King, to cauſe to come here twelve, &c. of the viſenage of *S.* which is the next Village in the aforeſaid County of *C.* out of that Iſland adjoyning to the aforeſaid Village of *E.* to trie the iſſue aforeſaid. And becauſe it appeares to the Court of our Lord the King here, that the Petition is conſonant to reaſon, Therefore it is commanded to the Sheriff of *C.* that he cauſe to come before our Lord the King here (ſuch a day) whereſoever, &c. twelve, &c. of the viſenage of *S.* by whom, *&c.* And who neither, *&c.* To recognize, *&c.*

Audita Querela.

Mich. 27. 28. *Eliz. rot.* 505. *Audita Querela*, Suggeſtion that the Plaintiff at the time of the Recognizance acknowledged in *Chancery* was within age, the Plaintiff in execution, the Defendant acknowledged the Allegation, and the Plaintiff is delivered from Execution

Audita

Audita Querela, Suggeſtion that the Plaintiff upon the Recognizance, did not take the Moity of all the Lands, but omitted the Mannor of *W.* not to be turned back, which Defendant had purchaſed one Acre, parcell of the Mannor of *W.* It is demurred in Law upon the plea, and Judgement for the Plaintiffe and a Writ that heſhall have reſtitution of the Iſſues and profits, *Mich.* 43: 44. *Eliz. Rot*: 206.

Appearance.

Entry of a rejection of an Attorney of the Court.

ff. APpearance at the day, *Trin.* 2: *Jac. rot.* 688: *Upon which the ſaid* I C. *by reaſon of which his Office of Attorney he is intereſſed here in Court to be preſent, being ſolemnly called to appeare, came not neither to the ſame Court here is there alleadged by any, any cauſe of his abſence. Therefore it is conſidered that the ſame* I. *from his ſaid office ſhall be rejected. And that he from the Roll of Attorneys of that Court ſhall be utterly abſtracted.*

Default in Accompt before Auditors, and Judgement thereupon.

ff. AT which day before the ſaid King at *Weſtminſter* came the ſaid *A* by his ſaid Attorney, and the ſaid *I. T.* al. though ſolemnly called came not, but made default &c. Therefore the ſame *I* ſhall be taken, &c. And the ſaid Auditors in their own perſons then and there came, and report that the ſaid *I. T.* before them to render his ſaid Accompt of the premiſſes at *Weſtminſter* aforeſaid, the ſaid tenth day unto him by the ſame Audiors in forme aforeſaid aſſigned, nor ever after that came not againe, but from that accompt rendring abſented, and kept himſelfe away, &c. And ſo the ſame Auditors the accompt of him the ſaid *I* of the premiſſes before the Lord the King at the ſaid day, &c. they cannot have. Therefore it is conſidered, that the ſaid *A* ſhall recover againſt the aforeſaid *I. T* the ſaid 40 *l.* and alſo 6 *l.* for his coſts and charges by him about his Suit in this behalfe put to unto the ſame *A* by the Court of the ſaid King here of his aſſent adjudged, and the ſaid *I.* in mercy, &c.

Judgment

Judgement and Verdict in Attaint.

Judgement and Verdict in Attaint, where the first Judgement is affirmed.

Mich. 12. *H.* 7. *rot.* 34. *Mich.* 10. *H.* 8. *rot.* 66. At which day before the ſaid King at *Weſtminſter* came as well the ſaid parties by their ſaid Attorney, as the ſaid *C B.* and *H S.* two Jurors of the ſaid firſt Inquiry in their own perſons. And 24 Jurors of the Jury of Knights impannelled, being called likewiſe came, who being choſen, tryed and ſworn to ſpeak the truth of the premiſſes, ſay upon their Oath, that the ſame two Jurors of the ſaid firſt Inqueſt, and the ſaid ten Jurors of the ſame firſt Inqueſt made a good and lawfull Oath in all things, which againſt the ſaid *T V.* of the premiſſes formerly they have ſaid, as the ſaid *W M.* and the ſaid *C H.* two of the Jurors of the firſt Inqueſt, &c. above in pleading have alleadged. Therefore it is conſidered, that the ſaid twelve Jurors of the ſaid firſt Inqueſt, and alſo the Judgement thereupon rendred, ſhall be affirmed, ratified, and remaine in their

full ſtrength, and for a good true and lawfull Verdict ſhall be had and for ever held, and the ſaid *T W.* ſhall take nothing by his ſaid Writ, but for his falſe clamour in that behalfe he ſhall be taken, &c: and the ſaid *W. M.* and they the ſaid *X C.* and *H S.* two of the Jurors, &c. ſhall go thereupon without day, &c. And upon this at the ſame day before the ſaid King at *Weſtminſter* came the ſaid *T W.* in his own perſon, and rendred himſelf to the Priſon of the ſaid King, by occaſion of the ſaid Recognizance, &c. and the ſame *T.* concerning, and upon the other premiſſes by the Court of the ſaid King here is committed to the Marſhall ſafely and ſecurely to be kept untill, &c.

Entry: Attaint.

Hill. 24. *Eliz: rot.* 31. Entry of Attaint, and the whole proceedings, the Plaintiff not proſecuting at the Aſſizes.

Trin.

TRin. 26. Eliz. rot. 730. *Declaration in Attaint, Verdict for the Plaintif, and afterward for insufficiency he took nothing by his Writ.*

Judgement against a Felon who challenged beyond the number at Maidstone *in the County of* Kent.

Ss. EDw. 7. 4. And likewise between the Lord the King, and the aforesaid *HG.* Let there be thereupon a Jury this instant *Friday*, &c. And the Jurors being called, came, who were called to speak the truth of the premisses, and 27 of the same Jurors, now appearing by the aforesaid *H.* were peremptorily challenged as appeareth by the Pannel thereof, and by *Henry* here it is recorded, &c. And for that that it is seen unto the Court here, that the said *H.* hath challenged beyond the number: It is considered that the said *H G:* shall be hanged, *&c.*

Continuance upon a Sire fac. *of the parties consent*

AT which day before the said King at *Westminster* came the said parties, by their said Attorneys, and upon this day thereupon is given to the said parties, in the State which now it is before the said King, untill in eight dayes of

Saint *Hillary*, whereſoever, *&c.* from the aſſent of the ſame parties, *&c.*

Continuance of a Summons in Ayde.

Ss. ASwell the Plaintif as the Defendant by their Attorneys, *&c.* And the Sheriff ſent not the Writ therefore as before the ſaid *R* is ſummoned, that he may be here in eight dayes of the *Holy Trinity*, *&c.*

Continuance of a Scire fac.

Ss. ANd the Sherif ſent not thereupon the Writ, therefore the ſaid Defendant as before is warned, that he may be here in eight dayes, &c. to ſhew in forme aforeſaid.

Continuance upon a Scire fac. to beare Errors.

Ss. AT which day before the ſaid King at *Weſtminſter* came the ſaid Plaintif in the Writ of Error in his own perſon, and the Sherif ſent not thereupon the Writ, and as formerly the Sherif is commanded that by honeſt, &c. he make known unto the aforeſaid Defendant; that he may be before the ſaid King *ſuch a day*, whereſoever, &c. to heare the ſaid Record and proceeding, if &c. And further, *&c.* the ſame day is given to the ſaid Plaintif by the ſaid *Mainucaptors*, *&c.*

Continuance upon an Exigent.

Ss. AT which day before the ſaid King at *Weſtminſter* came the ſaid Plaintif by his ſaid Attorney, and the ſaid Defen-

Defendant came not, neither the Sherif did ſend the Writ thereof. Therefore a command is to the Sherif, that of new he make him to be called from County to County, untill he ſhould be outlawed if not &c. and if, &c: then he ſhould take him, &c. and ſafely, &c. So that he ſhall have his body before the ſaid King, the day, &c. Whereſoever, &c.

Continuance in Attoint upon granting another writ of Hab. corp. when the Sheriff doth not ſend the firſt VVrit of Hab. Corp.

ſſ. AT which day before the ſaid King at *Weſtminſter* came the ſaid plaintiff by his ſaid Attorney, And the ſaid Defendant came not, nor any of the ſaid twelve Jurors of the ſaid firſt Inquiſition came, and the Sheriff did not ſend thereupon the writ. Therefore as formerly the Sheriff is commanded, that the bodies of all the ſaid Jurors of the ſaid Jury of 24 Knights, &c. he ſhall have before the ſaid King in eight dayes, &c. whereſoever, &c. to recognize, in forme aforeſaid, &c. The Sheriff is alſo commanded as formerly, that he ſhall diſtraine the ſaid Jurors of the ſaid firſt Inqueſt, by all their Lands, &c. And that of the Iſſues, &c. And that he ſhall have their Bodyes before the ſaid King at the ſame Terme, &c. to heare that Recognizance, &c. The Sheriff is alſo

alſo commanded as formerly, that he ſhall reſummon by good Summons the ſaid Defendants, that they may be before the ſaid King at the ſame Terme, &c. to heare the ſaid Recognizance, &c. The ſame day is given to the aforeſaid Plaintiff, &c:

Continuance upon a returne of a Scire fac. *ſent unto a Bailiff.*

AT which day before the ſaid King at *Weſtminſter* came the ſaid *R S:* in his proper perſon: And the Sheriff returned that by vertue of a Writ of the ſaid King unto him thereof directed, he ſent unto *N S:* Baylif of the Liberty of *H:* who hath the returne of Writs within that Liberty, for that that the Execution of that Writ could not be done out of that Liberty, which ſaid Baylif hath given unto him no anſwer: Therefore the Sherif is commanded, That he ſhall not omit for the ſaid Liberty, but that by honeſt, &c he ſhall make known ſeverally, as well unto the aforeſaid *E.* as to the Tennants of the Lands and Tenements which were of the ſaid Plaintif, at the time of the publiſhing of the ſaid Outlawry, and alſo to the mediate, and immediate Lord of whom the ſame Lands and Tenements then were holden, that they may be before the ſaid King on the

the morrow, *&c.* whereſoever, *&c.* to heare the ſaid Record and proceeding if, *&c.* And further, *&c.* The ſame day is given to the aforeſaid Plaintif, *&c.*

Before which day the ſaid Plaint was adjourned by a Writ of the ſaid King of Common Adjournment untill in eight dayes, &c, from thence next following, whereſoever &c. At which ſaid eight dayes, &c. the ſaid Plaint was further adjourned by a Writ of the ſaid King of Common Adjournment, untill 15 dayes, &c. unto the Caſtle of Hereff. *At which day, &c.* *Continuance of a Writ of Adjournment.*

ſ. THe Defendant in this Bill conteyned prayes a day thereupon to imparle, and it is granted unto him, &c. and upon this day there upon is given to the parties within written, before the ſaid King at *Weſtminſter* untill *Thurſday* next *&c.* that is to ſay unto the aforeſaid Defendant to imparle, and then to anſwer, &c. *Continuance upon a Declaration.*

ſ. AND becauſe the Court of the ſaid King hereas of their Judgement of and upon the premiſſes, to render is not as yet adviſed, day thereupon is given to the ſaid Parties before the ſaid King, untill from the day, *&c.* At which, *&c.* upon which the Sheriff, *&c.* As before. *Continuance of a Writ of Error.*

SEE the Statute of 7. *H.*8 Chap. 17. Where is given to the ſick Liberty to aſſigne Error upon an Outlawry by an Attorney.

Continuance of a Jury with ten Tales where part of the principall pannell, and part of the Tales are challenged and twelve only appeared of both Pannells at the Bar.

AT which day before the ſaid King at *Weſtminſter* came the ſaid parties by their ſaid Attorneys, and the Sheriff returned the ſaid Writ in all things ſerved ten and executed together with the Pannell of the names of 24 Jurors, none of which, &c. Therefore the Sheriff is commanded that he ſhall diſtreine the ſaid Jurors by all their Lands, &c. And that of the Iſſues, &c. So that he may have their Bodies before the ſaid King at *Weſtminſter* on Munday next after eight dayes of St. *Michaell*, to make a Jury, &c. The ſame day is given to the ſaid parties there, &c. At which day before the ſaid King at *Weſtm.* came the ſaid parties by their ſaid Attorneys, and the Jurors of the ſaid Jury being called, ſome of them came, and ſome of them came not, as appeareth in the Pannell of which the reſt of the Jurors appeared not, therefore as formerly the Sherif is commanded that he diſtrain the ſaid Jurors by all their Lands &c. and that of the Iſſue, &c. ſo that he may

may have their bodies before, &c. such a day to make a Jury, &c. and that he put to ten such, &c. and that he shall have their bodies before, &c. at the aforesaid day, &c. The same day is given to the sayd parties there, &c. At which day before the sayd King at *Westminster*, came the said parties by their said Attorney, and the Sherif returned the said Writ, together with a pannell of the names of the ten *Tales*, such in all things served and executed, and the Jury thereupon impannelled, being called likewise came, who elected tryed and sworn to speak the truth of the premises, say upon their oath that, &c:

Entry when one is dead after the last continuance, & the other pleads not guilty.

AT which day before the sayd King at *Westminster*, came the said *Plaintif* by his sayd Attorney, and the said *T.G:* by *T: K.* his Attorney, and the said *A. B.* at the same day being solemnly called came not, upon which the said *Plaintiffe* saith, that after the last Continuance of the said plea, that is to say, the tenth day of *D.* in the yeare, &c. The said *A. B.* at *S.* in the County *S.* dyed, and this he is ready to prove, &c. Therefore against the same *A.B.* in the premisses, nothing further can be done, & the said *T.S:*

defen-

S. defendeth the force and injury when &c. and ſaith that he is not thereof guilty; and of this he putteth himſelf up. on the Countrey, and the ſaid *Plaintiffe* likewiſe, &c. Therefore cometh thereupon a Jury before the ſaid King at *Weſtminſter* the day, &c. and who neither, &c. to recognize, &c: becauſe as well, &c. the ſame day is given to the ſame parties now appearing, &c.

Diſcontinuance for want of continuance and judgement thereupon.

AND the ſaid *R.C.* by *W.S.* his Attorny, came and defended the force & injury when, &c: and prayeth licenſe thereupon to imparl, and it is granted unto him, &c. and upon this, day thereof is given to the ſaid parties before the Lord the King, at *Weſtminſter*, untill Friday, &c. that is to ſay, to the aforeſaid *Defendant* to imparl, and then to anſwer, &c. Afterwards, that is to ſay, Tueſday, *&c.* in the year of the raign of the Lord *JAMES* now King of *ENGLAND*, the ninth, before the Lord the King at *WESTMINSTER*, came the ſaid *R.C.* by his ſaid Attorney, and becauſe it is recorded Friday, &c. in the eighth year of King *James* aboveſaid o——o Therefore it is conſidered that that Bill ſhall be diſ-

diſcontinued, and the ſaid *R.* ſhall go thereupon without day, and further by the Court of the ſaid Lord the King: It is conſidered that the ſaid *R.* ſhall recover againſt the ſaid *I.* ſix and twenty ſhillings and eight pence, for his Coſts and Charges by him about his defence in this behalf ſuſtained unto the ſame *R.* by the Court of the ſaid Lord the King here according to the form of the Statute lately made, and provided, adjudged, and the ſaid *R.C.* ſhall have thereupon againſt the ſaid *I.* an action, &c:

Comitment of the Defendant to priſon upon a capias to ſatisfie.

THe Sheriff was commanded that he ſhould take, *&c.* whereof he is convicted, and now here at this day came as well the ſaid *A.* by *S: C.* his Attorney, as the ſaid *Defendant* in his proper perſon by the Sheriffe of the ſaid County brought to the bar, and the Sheriff now ſent that he hath taken the body of him the ſayd *J.* and he hath him here now ready; upon which the ſame *Defendant* is committed to the Lord the Kings Priſon of the Fleet by occaſion of the premiſſes, he is ſtayd there untill, &c.

After-

Entry of a commitment to the prison of the Marshalsey by the Sheriffe brought.

AFterwards, that is to say, the five and twentieth day of *May*, from thence next following, before the said King at *Westminster*, came the said *R.* in his own person, under the custody of the Sheriffe of the said County in Execution for the damage aforesaid, by virtue of a Writ of the said King of *Capias*, unto the same Sheriff of and upon the premisses directed, which said *R.* is comitted to the Marshalsey there to be remaining untill, &c.

Commitment to the Marshalsey in execution.

AFterwards, *&c.* in that same Term before the said King at *Westminster* came the said *Plaintiff* by his said Attorny, and the said *Defendant* present here in Court at the prayer of the said *Plaintiffe* is committed to the marshalsey in Execution for the said debt and damages there to be remaining untill, *&c.*

Entry of a challenge when he is made Sheriff after the last continuance.

AT which day here came the parties, &c. And the Sheriffe sent not the Writ, &c. and upon this the same *Plaintiff* saith, that after the last continuance of the said plea, that is to say, after eight dayes of Saint *Michael* in that same Term of

of which day the ſaid plaint was continued here untill to this day, namely, the ſaid eight dayes of Saint *Hillary*, *T. E.* Eſquire, late Sheriff of the ſaid county from the ſame Office being amoved, and the ſame *Plaintiffe* is made Sheriff of the ſayd County, prayeth a Writ, &c. And becauſe the ſaid *Defendant* doth not gainesay this, it is granted unto him: Therefore a command is to the Coroners that he make to come here, *&c.*

Entry of a Challenge, where the plaintiff is ſervant to the Sheriff.

AND upon this the ſame *Plaintiffe* ſaith, that the ſame *Plaintiff* is the houſhold Servant of *E. P.* Eſquire, now Sherif of the ſaid County, and with him he draweth continuall delay, and is of his Livery, and for that cauſe the ſame *Plaintiff* prayeth a Writ of the ſaid King, of making to come twelve, &c. To the Coroners, &c.

Judgment for coſts, for that, that he did not declare within three dayes.

ſſ. RArreſted at the Suit of *W:* perſonally appeared before the Lord the King at *Weſtminſter*, the day &c. And for that that the ſaid *Plaintiff* did not declare againſt the ſaid Defendant within three dayes then next following: Therefore according to the form of the Statute there are adjudged unto the ſame *Defendant* for his Coſts and Charges, twenty ſhillings.

Judgment for the defendant, & costs inform of the statute of 25 H: 6. chap. 15.

THerfore it is considered that the said *H.K.* shall take nothing by his Bill, but for his false clamour let him be thereupon in mercy, and the said *R.* shall go thereupon without day, *&c.* And further by the Court of the said King here: It is considered that the said *E.* shall recover against the said *H.* forty shillings for his Costs and Charges by him about his defence in this behalfe sustained unto the same *E.* by the Court of the said King here, according to the form of the Statute thereof made and provided, adjudged, and the said *E.* shall have Execution thereof, *&c.*

Note.

IN whatsoever Actions, in which the King hath a part, the *Defendant* shall not pay Costs by the Statute of 28 *H.* 8. *chap.* 8.

Continuall Claime.

Judgment and verdict upon issue joyned upon continuall claime.

AFterwards, *&c.* say upon their oath, that the said *G.* did not make continuall claim at the said Messuage with the appurtenances, as the said *J.S.* above in pleading hath alleadged, and they assess the Damage of him the said *G.* by occasion of the said Entry, besides Costs and charges, &c. to one and twenty

ty marks, and for thoſe Coſts and Charges to ten marks. Therefore it is conſidered that the ſaid *G.* ſhall recover againſt the ſaid *I.S.* his ſaid Damage by the ſaid Jury in forme aforeſaid aſſeſſed, and the ſame *I.* ſhall be taken, &c.

Default:

Entry of a Sci. fac.. where the ſherif made the def. to know, & after the def. prays imparlance, & after made default for which execution is adjudged

THe Lady the Queen, *&c. Elizabeth, &c:* at which day before the ſaid Queen at *Weſtminſter* came the ſayd *T.R.* in his proper perſon, and the Sheriff returned, that by virtue of a Writ unto him thereupon directed, he made known unto the aforeſaid *R.* to be before the ſaid Queen at the aforeſaid Term to do and receive as in the ſame Writ calleth and requireth by *R:S:* and *T:W:* honeſt, &c: Which ſaid *R:* according to the warning in this behalf made by *A:* his Attorney, likewiſe came, and prayeth therupon day to imparle, & it is granted unto him, *&c:* & upon this day thereupon is given to the parties before the ſaid Queene in eight dayes, *&c:* whereſoever, &c: that is to ſay, unto the aforeſaid *Defendant* to imparl, &c: and then to anſwer, *&c:* At which day before the ſaid Queen at *Weſtminſter* came the ſaid *Plaintiff* by his ſayd

Attorney, and the ſaid *Plaintiffe* prayeth his Execution of the ſayd debt and damage, &c: and the ſaid *Defendant* to preclude the ſaid *Plaintiffe* from his ſaid Execution, ſaith nothing, *&c*: Therefore it is conſidered that the ſaid *Plaintiff* ſhall have his Execution againſt the ſaid *Def.* of the Debt and Damage aforeſaid.

Demurrer.

Judgement where the parties Demurre in Law under the Seal of a certaine acquittance

AND becauſe it appeareth unto the Court of the Lord the King here, that the ſaid writing of Releaſe, which the ſaid *I.* in Court produceth is inſufficient in Law to exclude the ſaid Executors from their ſaid Action, for that that the ſaid Writing is not at all ſealed or ſigned with any Signe, therefore it is conſidered, that the ſaid Plaintif ſhall recover againſt the ſaid Defendant their ſaid Debt, and alſo their Damages as well by occaſion of the deteyning of the ſaid Debt, as for their Coſts and Charges by them about their Suit in this behalfe put to at 20 *s.* by the Court of the ſaid King from the aſſent of the ſaid Plaintif taxed, &c: And the ſaid Defendant in mercy, &c.

Upon

Judgment in a Writ of Error where the Defendant demurres in Law upon the Error.

Ss. UPon which view, and by the Court of the Lord the King here, all and ſingular the premiſſes being more fully underſtood, and upon mature deliberation thereof had, for that that it appeareth unto the Court of the ſaid King here, that the ſaid matter above for Error in forme aforeſaid being, is ſufficient in Law to conſtreine him the ſaid *I: W.* to rejoyne to the ſaid Errors, and to reverſe the ſaid Judgement. Therefore it is conſidered that the ſaid Iudgement, for the ſaid Error, and others in the Record and proceeding aforeſaid found, ſhall be reverſed, made void, and altogether for nothing had, and that the ſaid *I.* to all things, which he by occaſion of the ſaid Judgement hath loſt, ſhall be reſtored, *&c.*

Judgement & Verdict in an Action of detaining of Goods.
17 H. 7. rot. 32.
The like P. 7 H. 8 *rot.* 72

Ss. AFterwards, &c And the Jury between them Impannelled, likewiſe came, who elected, tryed and ſworn to ſpeak the truth of the premiſſes, ſay upon their Oath, that the ſaid *I H.* doth detaine from the ſaid *G.* the ſaid ten Quarter of Wheat, and ten Quarter of Barley, in the manner and forme, which

the ſame *G.* above complaineth, And they further ſay upon their Oath, that the ſaid ten Quarter of Wheat are worth 4 *l.* And that the ſaid ten Quarter of Barley are worth 33 *s.* 4 *d.* And further the ſame Jury aſſeſſe the damage of him the ſaid *G.* by occaſion of the premiſſes, beſides his Coſts and Charges by him, &c. at 10 *s.* And for thoſe Coſts and Charges at 20 *s.* Therefore it is conſidered that the ſaid *G.* ſhall recover againſt the ſaid *JH.* the ſaid ten Quarters of Wheat and ten Quarters of Barley or the ſaid 113 *s.* and 4 *d.* for the value of them, if the ſame *G.* the ſame ten Quarters of Wheat, and ten Quarters of Barley cannot have; And alſo his ſaid damage by the ſaid Jury in forme aforeſaid aſſeſſed, and the ſame *I* in mercy, &c.

FINIS.

An Exact Alphabeticall TABLE,

Of the Heads of the Matters herein Contained.

Adjournment.

The continuance of a Writ of Adjornment 331
The Entry of the same 319
Adjournment of a Plaint 166
Administrator, see Executor.

Account.

To account for part and not for the rest 6. 14
Default before Auditors and Judgment thereupon 3. 26
Against one as Bayliff & Receiver for part, 9
continuance of the Plea and Venire 11, 12
For the Plaintiff upon a Demurrer 12
part remitted by the Plaintiff 13
Continuance of a Demurrer, and Issue and Judgement for the Plaintif 7
To account for the moiety of Lands and Wood 10

For

For Goods 15
The Defendant relinquisheth his Plea 145

Appeale.

A Nonsuit in Appeale of Death 283
Judgement in Appeal of Mayhme, and damages increased 283
Verdict and Judgement against the Plaintif in Appeale of Murther 284
The like in Robbery for the Plaintiff 285

Attaint.

JUdgement by confession, fol. 1
Judgement and Verdict in Attaint against the Plaintiff 327
Continuance of the Distringas against the Jury to try the Attaint. 331

Audita Querela.

For Restitution of Goods and Lands, and the profits thereof 3
For the Plaintiff in Barr of a Judgement 6
For the Defendant in the VVrit 6
For the Plaintiff he being under age 324

Admeasurement of Pasture.

THe Entry of the Returne thereof 144

Ayde. Prayer.

DEmurrer therupon, and Judgment for the Plaintiff 168,179
Continuance of a Summons 330

Case.

FOr ſcandalous words 257
For breach of promiſe 257
In Conſpiracy ,Verdict and Judgement 287

Challenge.

AGainſt one of the Jurors the Plaintiffs Tenant 244
To the Array the Jury being impannelled at the Plaintiffs denomination 252
For that the Sheriff was amoved 279
For the Defendant was made Sheriff after the laſt Continuance 338
Where the Plaintiff is ſervant to the Sheriffe 337

Certiorari.

REturne thereof upon Nullum Tale Record. pleaded 143
The Entry thereof to certifie the foot of a Fine 202

Commitment.

UPon a Capias ad satisfac. 338
To the Marshall upon the Sheriffs returne 338
In Execution being in the Marshalls custody 338
Confession, see Waiver de Plea.
Conspiracy, Verdict and Judgement 287

Continuall Claime.

JUdgement and Verdict upon issue joyned upon Continuall Claime 339

Continuance.

OF a Demurrer and Issue, and a Venire *in Account* 7. 11. 12.
The like in Debt 23. *Discontinuance for want of a Continuance* 335
Of an Elegit 17. *Of a* Scire fac. 330. *Of a Declaration* 33
Of wager of Law 43 *Of Errors* 33
Of a Demurrer and Issue in a Prohibition 103
The Plaintiff dyed after the last continuance and Judgement for the Defendant 132
The like where the Defendant dyed 140

continuance of a VVrit of Adjournment, 33
of a Jury and ten Tales 334

Costs.

For that that he did not declare within three dayes, 337
For the Defendant according to the forme of the Statute of 25 H.6 Chap. 15. 338
One Defendant dead after the last Continuance and the other pleadeth not guilty 335

Covenant.

Judgement for the Plaintif 57
Three bound joyntly and severally, and judgment against any of them 226
Judgement for the Plaintif upon a demurrer, and a Writ of Enquiry awarded 208
Return of the like writ against an Executor, 152

Damages.

Damages remitted by a guardian of an Infant, 153
Damages deducted where the Jury found more then were layd in the declaration 155
Damages remitted at the request of the Court, 165
Entry adjudging a Writ of damages in the same Term in which the Declaration, &c. 340

Debt.

For the Defendant 40
For the plaintif and coſts increaſed, 26
Upon the Statute for Tithes. 15
Will not proſecute for part and judgment for the reſidue, 16
Relinquiſheth his plea for part, and Nil debet *for the reſidue, and Execution ſtayed till Iſſue tried*, 19
The Defendant relinquiſheth his plea Ad minas, *and Judgment for the Plaintiff*, 21
Againſt the proper goods of an Executor, 22
Judgment for part, wager of Law for the reſidue, 22
Continuance of a Demurrer and Iſſue, and the Plaintiff will not proceed upon the Demurrer, and prayeth Judgement for the reſidue upon the Verdict, 23
Judgment upon Non eſt factum *pleaded*, 27
Upon Nil debet *judgment for part* 27
One Execution adjudged againſt two ſureties ſued ſeverally 28
Waives his plea for part, and pleads Nil debet *for the reſidue, and after waives that alſo* 35
The like for part, and the Plaintiffe prayeth Judgment for that part confeſt, and remits the

the reſt. 36
Remitter of part, and judgement for the reſidue, 42
Venire *in two counties, and judgement thereupon,* 133
Verdict and judgement againſt an Heire upon Riens per diſcent *pleaded,* 154
For the Plaintif upon a Demurrer as to one Obligation, and as to the other in iſſue relinquiſheth his plea, 158
Iſſue joynedas to part, wager of Law to the reſidue, and the Dfendant maketh default, and the Plaintiff remits that part in Iſſue, 200,
Relinquiſheth his plea of Solvit ad diem, 208
For the Plaintif upon Riens per diſcent *pleaded,* 209
For the Plaintiff upon a Componit ad diem, *pleaded,* 223
For Rent Arrear 224
Relinquiſheth his plea of Conditions performed, 261
Remits one Defendant, and judgment againſt the other, 286
Entry of a Venditioni exponas, *for part, and* Fieri facias *for the reſidue* 286

Demurrer.

FOr the Defendant upon a Scire facias, 26
Continuance of a Demurrer 7, 11, 12, 23
In Account 12
For the Plaintif upon a Demurrer to the Declaration 30, 234
Againſt two Defend. for ſeverall ſummes 44
Demurrer to the Defendants plea at the Aſſizes 182
Upon the Evidence 188
For the Defendant upon ſuch Demurrer 199
Demurre in Law under the Seal of a certaine acquittane 340
See other Titles.

Detinue.

ISſues returned upon a Diſtringas, *and a VVrit of* Inquiry *returned* 45
For the Plaintif upon a Demurrer and the like &c. 46
Judgement and Verdict in an action of detayning of Goods 343

Dower.

ABatement the Tenant being under age. 67
Verdict and a VVrit of Seizin, and Inquiry awarded. 47

Return of a writ of Seisin 48
The like, and the return of an Inquisition, and Judgment thereupon, 49
The Demandant remits part of the value, and damages and Judgment for the rest, and a Writ of Seizin awarded 51
Part for the Demandant, and part for the Tenant, 53
Some of the Tenants appear, and some make default at the Assizes, 64
Return of a writ of Seisin and Inquiry, where the husband did not dye seised 54
Petit cape *awarded against the Tenant,* 54
Against three Tenants, where one made default, and the other pleaded, and judgment against all as to part, &c. 54
The Tenants demurred to the Evidence, and after judgment for the Demandant 56
Judgment for Seisin damages and Rent, 57
Returne of a Writ of Seizin and Inquiry executed by a late Sheriffe 48
Remitment of the Damages and Value, and Judgement for seisin 59
Day given to one to prove her husband dead, and doth it; and Judgement thereupon, 62
Damages unduely given, and after waived, 64
Against a Vouchee conditionally 66
Elegit *awarded for damages,* 68

Ejectment

Ejectment.

AFter verdict at the Assizes, 71
Part for the Plaintif, part for the defendant, 72
Relinquisheth his Plea, and Judgement thereupon 73
One Defendant not guilty, the other guilty of part, 82
Judgement after a verdict at the bar, and the return of the writ of possession 74
The VVrit of Enquiry executed, and not the Writ of possession, and a new Writ awarded, 79
Remitment of damages, and prayeth increase of costs, and Judgement for the Lands, 80
Judgement for costs only the Term being past, 82
The Sheriffs Returne of a Writ of Inquiry and possession, and the Court will advise before Judgment 84
The Sheriff returneth, that possession was delivered by his predecessor, and a Tarde *as to the Writ of Inquiry,* 85
Against two Defendants severally, 210
Mandavi ballivo *to a writ of possession, and a* Non omittas *awarded,* 227
Awarding of a writ of possession. 300

The TABLE.

Elegit.

THe Return thereof 17, 33
The like when it was executed by a Bailiffe of a Liberty 29
Elegit awarded in Dower 68

Errour.

JUdgment affirmed, and a Capias ad satisf. awarded 134
For the Plaintiffe, and a Scire fac: awarded for Restitution 164
A new Writ awarded, one of the Plaintiffs being dead 269
One writ unduely prosecuted, and a nother awarded 270
The Defendant prayeth an Imparlance, where Diminution was not alleadged 27
Judgement affirmed, and costs increased for delay 289
Judgment made void, the Plaintiff in the Errors being under age 293
Continuance of Errors 331
A Fine made void by a VVrit of Error 309
Judgment affirmed after a VVrit of Error in the Exchequer Chamber, 311
Judgment made void upon an Attachment in London 314
A VVrit of Error where the Def. demurs in Law upon the Error 342

Executor.

Judgment againſt his proper Goods 22
Againſt the Teſtators Goods 28
Againſt the Teſtators goods, if, &c. if not, the damages againſt the Executors goods 38
Againſt one Executors Goods and not the other for Damages 39
Againſt an Executors own Goods upon a Devaſtavit 135
Satisfaction acknowledged by an Executor, 146
A Writ of Inquiry againſt an Executor, for breach of Covenant 152
Relinquiſheth his Plea, and Judgment againſt the Inteſtates Goods 217

Eſſoyne.

Further day given 32
Eſſoyne made, for that in the Kings *Service* 232
Falſe Impriſonment, See Treſpaſs
Falſe Judgement See Errour. Forcible Entry See Information.

Formedon.

Judgement in Formedon 86

Hue and Cry.

Judgement upon the Statute, 128

Infor-

Informations and Indictment.

For buying a pretended title 87
Upon the Statute for Recusancy 88
Pardon pleaded to an Indictment 240
Verdict against an Informer, with costs of suite 225
The Attorney Generall will not prosecute the suite 226
Pardon pleaded, and good as to part 253
Judgment in High Treason 292
That the Felon be not put to death, the goods stolne being under value 292
Judgment in Forcible Entry 304
Judgment against a Felon where he challenged beyond number 327
See statute.

Writs of Inquiry.

Judgment upon a Writ of Enquiry of damages, 310
One Writ of Enquiry quashed, and a new one awarded, 254
See more in other Titles.

Manucaptors.

The Entry of a discharge for them 264
Maintenance, See Statute.
New assignment, See Trespass.

Outlawry.

The ſame reverſed for error in the Proclamation 149
The like Proclamation being unduely executed 148, 150
Reverſed by pardon 228
Reverſed for not appearing to the Sci.fa. 263
Entry of Allocutus *to the* Exigent 267
Outlawry *reverſed, the debt being ſatisfied* 268
Continuance of an Exigent 330
Pardon, See Outlawry and Jndictment

Partition.

JUdgment to part a Free Warren, and a Writ awarded to the Sheriff for that purpoſe, and the Sheriffs return 166
Part found for the Pl. part for the Def. 108
That Partition be made after a Demurrer

Prohibition.

A Non-ſuite *at the Aſſizes, and a Writ of* Conſultation *awarded* 195
A writ of Conſultation *for not proving the Suggeſtion within ſix months, and double Coſts* 97
Prohibition for part, Conſultation for the reſidue 99, 101
Conſultation for not proving the ſuggeſtion 99

Verdict

Verdict for the Defendant, and Judgement thereupon 103
Continuance of a Demurrer and Issue, and the Plaintiffe will not prosecute the Issue, and Judgement against him 103
A Writ of Consultation *awarded after a Demurrer* 105
Judgement for the Plaintiff 317
For the Defendant 317

Quare Impedit.

Judgement for the Plaintiffe, and that the Ordinary admit him to present 110
Verdict and Judgment at the Assizes, and a Writ directed to the Bishop 112
Upon a Demurrer where the right of presentation belonged to the King 111
Recusancy, See Statute
Remitter, See trespass Debt, &c.

Replevin.

Part for the Plaintiff, part for the Defendant, add costs set aside 115
Return Habend *awarded, and damages given* 116
The Sheriffs Return upon a Return habend. *& a* Capias *in* Withernam, *& an Attachment awarded against the Plaintif* 127
For the Plaintiff upon a Demurrer, and a writ of Inquiry *for detaining the cattel,* 119,125

The like for the Defendant, and a Return Habend. *awarded* 120
Fine made to the King, and a Superſedeas *to a* Cap. *in* Withernam *after Bail put in* 12
The Return of a Return. Habend. *and a Writ of Inquiry by a Bailiffe of a Liberty, and a* Non omittas, *and a* Capias *awarded* 122
A Nihil *returned upon a* Cap. *in* Withernam *and an* Alias *and* pluries, &c. *awarded*, 125
Capias *in* Withernam *for part, and a* Capias *for the reſidue* 126
Scire facias *againſt the Sheriff, for taking inſufficient Pledges* 126
One of the Defendants guilty, and the other acquitted 127
A Writ of ſecond Deliverance returned to a Return Habend. 127
Avowry for Rent, and the Plaintiffe replied non Arrear, and judgment thereupon 128
The Plaintiff non ſuit, & a Return Hab. *awarded to the Coroner, and damages adjudged* 150
Damages adjudged for the Def. & a writ of ſecond deliverance awarded 167
Demurrer to the avowry, & Judgment for the Plaintiff, and a Writ of Enquiry, &c: 237
Judgment for the Plaintif after a writ of Inquiry, 256

For impounding a Distress out of the Hundred 294
Judgement for the Plaintiff where the Justices give Damages 309
Judgement for the Defendant upon a Demurrer for part, and for the Plaintiff for part upon another part of the Defendants Plea, and Execution stayed till issue tryed 160

Restitution.

Judgment for Restitution in Attaint, fol. 1
For Goods, Lands, and the profits thereof in Audita Querela 3
See Error. Return Habend. *see* Replevin.

Ravishment of Ward.

Judgement to recover the value, if, &c. and damages and satisfaction acknowledged 93,94
Inquisition returned, and Judgement for the value 229
Judgement in a Writ of Recta Custod. 87, 145

Scire Facias.

Judgment for the Defendant upon a Demurrer 26
Nonsuit upon a Scire facias 93
Scire fac. *for taking insufficient pledges upon a* Replevin 126
For Restitution in a Writ of Error 164

In Abatement of a Scire fac. 218
Judgment for the Plaintiff by default 301
Continuance of a Scire facias, *and the like to heare Errors* 330
Entry of a Scire fac, 341

Sheriff.

Returneth an Inquisition delivered to him by an Administrator of his Predecessor 144
Testatum Fieri fac. *awarded* 276
Entry of a Writ of Averment against a Sheriff 280
Entry of a Duces tecum 277

Slander, *See Case.*

Statute:

Statute Staple and void, and restitution adjudged upon an Audita Querela 3
For the treble value for Tythes 15
Upon the Statute of Hue *and* Crye 128
Inquisition returned upon a Statute by the Chancellor of Lancaster 138
Treble damages for a Constable 213
For impounding a Distress out of the hundred 294
For fishing in the Plaintiffs waters 295
Judgement in Maintenance 299
Judgement in Premunire *upon the Statute of* 26 Ric: 2. 305
Judgment upon the Stat. of Labourers, 307

Double

Double damages for prosecuting in the Admiralty 318

Trespas.

Judgement, part for the Plaintif, part for the Defendant 126
Upon the new Assignment the like 159
In Battery *the like* 127
Damages increased upon sight of the wounds 228,249
Judgment upon the new Assignment 18
satisfaction acknowledged 133
Judgment for the Plaintiff upon a Demurrer to the new Assignment 156
Damages severall, and Costs intire against severall Defendants 170,173,175
Judgment for part where the Plaintiff Demurred for part, and replyed to the other, and the Defendants demurred, and Judgment for him 171
Not guilty to part and Demurrer for the Residue 177
Two Justifie, and one prayeth Ayde, and the other confess, and Iudgment against all but him that prayed ayd 178
Demurer to the Defendants Plea at the Assizes 182
Demurer upon the Evidence 186
The Defendant Relinquisheth his Plea, and the Plaintiff remits damages 190
Judgment in Trespas. 250

Against a man and his wife 200
Satisfaction acknowledged by an Attor. 202
Upon two several Issues, one for the Plaintif the other for the Defendant 202
For the Plaintif upon several Issues joyned 206
Justifieth the assault as his Villaine, and the Plaintif sayth he is free, and the Plaintif not to be molested the Suit depending, 248
Damages mitgated by the Plaint. assent, 294
Against one Defendant; and a Remitter of Damages against the other upon several Issues joyned 297
Upon Son assault Demesne *one Defendant found guilty, and the rest not* 308

Venire facias.

Respited for want of Freeholders within the Hundred 226
Confesseth part and pleadeth to the rest, and a Venire *awarded* 20
Venire *in two Countries* 129, 133
Venire *after the Verdict quashed* 147, 244
Two Venires *returned for the same Cause, and void, and a new one awarded* 162
Venire *continued* 192
One of the former Jury withdrawn, and a Venire *awarded* 254
For trying of an Issue in Cambr. *where the* Venew *was laid in the Isle of* Ely 322

Verdict:

VErdict quaſhed 147
Verdict upon a ſpeciall Verdict 172
The Venire *miſtaken, & Verdict quaſhed* 195
Verdict quaſhed, becauſe the Jurors did eat and drinke before they agreed of their Verdict, 240
Verdict quaſhed, becauſe one of the Jurors was challenged as Tenant to the Plaintiff 244

Wager of Law:

SEE Debt.
For the Plaintif where the Defendant made default 31,41,200
For the Defendant where the Plaintif became Non-ſuit 31
Further day given by conſent 33. *An Judgment for the Defendant* 43
Wager of Law perfected 266,33

Waſt:

TReble damages for part reſidue for the Defendant 191
To recover Seiſin and damages 192
Return of a Writ of Seiſin 192
Upon a Demurrer the Plaintife remits part, and Judgment for the reſidue 193
Treble Damages, and the place waſted, 211

Waiver of Plea.

SEE Debt.
In Ejectment 73
In Account. 154
In Treſpaſs 190
The Defendant waives his Plea after the Plea Pleaded at the Aſſizes, and a Verdict De Bene eſſe 246
Waiver of plea of Conditions performed 261
Withernam, *See* Replevin.

FINIS.

---

sed ex quibusdam familijs legunt, & senatores ex ips[illegible]
Cosmi fuerunt: de quibus idem dicere licet, quod de sena
toribus Laconum. Quòd honoris gesti rationem non re
dunt, & toto vitæ spacio præsunt, maius est illorum digni
re munus. Nec periculo vacat, eos nõ ex literis atq; legibu
scriptis, sed ex suo sensu decernere. Quòd si plebs, quan
quam nullius particeps magistratus, nullam tamen sedi
onem mouet, non est hoc benè constitutæ ciuitatis arg
mentum. Non enim vt ephori, sic corrumpuntur & mun
ra capiunt Cosmi, quoniã habitant in insula procul ab ijs
qui alioq; pecuniæ corruptela essent eos subornaturi. Qu
autem adhibent huic sceleri medelam Cretes, absurda e
ac imperiosi populi, non habentis rationem publicæ dig
tatis. Nam sæpe Cosmos exturbant seditione moti, aut
sorum collegæ, aut homines priuati. Et Cosmis interim
cet abire magistratu. Hæc omnia profectò lege melius
gerentur, quàm hominum voluntate. Nec est securus
constans hic canon. Sed omnium deterrima illa status pu
lici perturbatio, quam potentes viri tum, quum iudiciu
subire pœnas q; dare nolunt, excitant. Quare perspicuũ e
vt aliquid sit reipub. in statu Cretensi, non esse tamẽ rem
sed vim potius & potentiam. Solent nonnulli potentio
plebem & amicos euocare, monarchiam & vnius imper
um erigere, siue monarchum præficere, seditiosè conte
dere, pugnas q; miscere. Quid interest, vtrùm sit istiusm
di tumultus atque discordia ciuilis, an aliquandiu ea ciu
tas non sit, dissoluto vinculo societatis? Quòd si q volunt
possunt in eiusmodi ciuitatem irrumpere, est obuia pe
culo. Sed (vt suprà demonstratum est) munitione loci se
uatur. Procul abegit externos, iccirco qui Cretensibus ac
læ seruiunt, nõ desciscunt a billis. At qui colunt agrum L
cedæmonis Ilotes, sæpe defecerunt. Cretes nullam hab

[illegible] inde venisse Laconum sodalitia. Hinc etiã
[illegible] originẽ Spartanę reip. descriptio. Nã ephori habent
[illegible]andẽ, quaqui in Creta vocant Cosmi, potestatem, nisi q̃
[illegible]phori quinq; sunt numero, Cosmi decẽ. Atq; senatores se-
[illegible]toribus pares sunt, quos appellant consiliũ Cretes. An-
[illegible] locus erat apud eos regiæ potestati, deinde sustulerunt
[illegible]am, ducesq; belli iusserunt esse Cosmos. In comitijs & cõ
[illegible]onibus omnes suffragium ferre possunt, nulli tamen alia
[illegible]tur autoritas, q̃ vt autor fiat eorum, quę senatores & Cos
[illegible] decreuerint. Quę pertinent ad sodalitates, Cretensibus
[illegible] sunt q̃ Lacedæmonijs, proptera quòd Lacedæmo
[illegible] præscriptum singuli viritim conferunt: quod ni faciant,
[illegible], vt antè diximus, vetat eos esse reip. participes. In Cre-
[illegible]ommunius viuunt. Ex omnibus fructibus, quos terra
[illegible]nit, atq; pecudibus, itemq; ex vectigalibus publicis, quę
[illegible]dunt accolæ dicti περιοίκοι, pars ex præscripto in commu
[illegible]fertur, partim ad deorum sacra atq; onera publica susti-
[illegible]nda, partim ad faciendos sodalitatum sumptus. Itaq; om
[illegible] & mulieres & pueri & viri aluntur è publico. Quòd au
[illegible] vtilis est ciborum parsimonia, de illa multa sapienter
[illegible]lator, nec non de vxoribus dimittendis, ne nimiũ mul
[illegible]parerent liberos, constituit, atq; cum maribus consue-
[illegible]inem induxit. benè an malè induxerit, aliud erit tẽpus
[illegible]utandi. Sodalitates autem melius ordinatas esse & con
[illegible]utas Cretẽsibus quàm Laconibus, perspicuum est. Iam
[illegible]smi q̃ ephori deterius ordinati. Hoc enim mali est in il-
[illegible]um, quod in horum, magistratu, quia Cosmi (quemad-
[illegible]dum ephori) creãtur non egregij & præstantes viri, sed
[illegible]is vt occurrunt. Cæterùm quod Laconicã iuuat remp.
[illegible] reperitur in Cretensi. Illic qm̃ ex omnibus delectus ha
[illegible], plebs magistratus amplissimi particeps vul[illegible] sta
[illegible]empub. manere. Hic autem non ex omnib[illegible]os,

 sed

JUDGEMENTS

As they were upon Solemne

ARGUMENTS given

IN THE

UPPER-BENCH

AND

COMMON-PLEAS,

Upon the moſt difficult POINTS in

ALL MANNER OF

ACTIONS:

Together with the *Terms* and *Number-Rolls*, In which the ſame are Entred.

As alſo other ſpeciall Judiciall proceedings in Order thereunto; taken out of the *Records* of the ſame Court, very uſefull for all Clerks, Attorneys, and others.

With an exact Alphabeticall Table, *wherein may be found the principall matters therein contained.*

PRINTED By *Thomas Roycroft*, and are to be ſold at moſt Stationers Shops in *London*, 1655.

T*
B724;

Rec. May 6, 1875

TO THE READER.

NO man will queſtion it, but as the life of the Law doth ſubſiſt in the Execution of it, ſo the life of that Execution lies in the well entring of the Judgments that warrants the ſame: For if that Foundation faile all the precedent and ſubſequent proceedings thereupon fall to the ground, (and that with ſome danger to the Executioner too.) And by this Failer the Judgement is often vacated, the whole proceedings rendered fruitleſſe, and in the unhappy conſequence, the Clyents charge and paines utterly loſt, the Court ſcandalized, and the very Law it ſelfe not free from contempt. Before Judgment there are ſome wayes to ſalve the miſpriſions, ſlips, & negligences of Clerks, and ſo there is in the proceſs & proceedings after Judgement, but if it fall out to be erronious, there is no Cure. Therefore to prevent that unhappineſs

To the Reader.

Which too often befalls the Client in this par
ticular, this Book is publiſhed, being the tru
Copies or Tranſcripts of divers Judgment
and proceedings now upon Record in th
Courts of the Upper-Bench *and* Com
mon-Pleas. *And becauſe ſuch as hav*
occaſion to make uſe thereof, may receiv
the better ſatisfaction touching the ſame
the Court-Terme *and* Number-Roll
in which the ſaid Iudgments are entred, ar
hereby expreſſed. Theſe entries were firſ
collected for the private uſe of an Entrin
Clerk, *but are now thought fit to be mad*
publique, not only for the information o
Clerks that enter Iudgments, but for th
benefit of ſuch other, who are enforced t
flye to the Law *for Releife, as their particu*
lar Caſes do require. Not for his own
ſo much as publique good, hath the Collecto
preſented them to view, knowing th
Omne bonum quo communius e
melius.

FARWELL.

JUDGMENTS

Given in the Court of COMMON-PLEAS, in all manner of Actions whatsoever: Together with the Number Rolls in which they are entred.

Attaint.

Rin. 10. *Eliz. rot.* 737. At which Day here came as well the ſaid *James* as the ſaid *John Hayman*, And the aforeſaid *Richard Cod* and nine others, &c. ten of the Jurors of the firſt Inquiſition foreſaid, by their Attorneys aforeſaid; and the aforeſaid *John Farmer* and *Ralph*, two of the Jurors of the reſidue of the ſame firſt Inquiſition, being called, came not; And hereupon the ſaid *James* ſaith, that the ſaid *John Farmer* and *Ralph* are dead and dyed at *Maid-*

The Jurors confeſſe the Attaint.

Two of the Jurors dead after the laſt continuance.

Stone in the County aforesaid, after the last continuance of the Plea aforesaid &c. And the said *John Hayman*, and the said ten Jurors of the first Inquisition aforesaid now appearing, do not deny this, but do well confesse, and also *Gilbert Gerrard* Esquire Attorney Generall of the Lady the Queen, likewise to this being called and answering hereunto doth not deny the same; And also saith, that to him it is credibly informed, that the same allegation of the said *James* is true. And because it seemeth to the Justices here that propriety of the Goods and Chattells aforesaid, the time in which, &c. was in the said *Henry Nevill* Lord of *Abergeveny* and not in the said *John Hayman*.

Attorney Generall confesseth the attaint.

Therefore it is considered that the said *James* be restored to the said five pounds eighteen shillings four pence which he lost by occasion of the false Oath aforesaid; And that the said *James* may recover against the said *John Hayman* his damages aforesaid to seven pounds by the aforesaid Jury of twenty four Knights in forme aforesaid assessed, and also thirteen pounds to the same *James* at his request for his costs and charges aforesaid by the Court here for increase adjudged, which said damages beside the

Judgment for restitution.

Judgment for damages & costs of suit.

he ſaid five pounds eighteen ſhillings and foure pence in the whole do amount to twenty pounds. And the ſaid *John Heyman* in mercy, &c. And it is further conſidered according to the forme of the Statute aforeſaid, that every one of the ſaid tenn Jurors of the firſt Inquiſition aforeſaid (that is to ſay) *Richard Codd*, and nine *of the others* ſhall forfeit one hundred ſhillings, whereof one moity ſhall be to the Lady the Queen, and the other moiety to the ſaid *James*. And moreover that every one of the ſaid ten Jurors of the ſaid firſt Inquiſition make a fine and redemption by the occaſion aforeſaid (that is to ſay) both of them *Richard Codd* and *John D.* to forty ſhillings. And every one of them, *Robert F.* and ſeven of the reſt to five ſhillings by the ſame Jurors here by their diſcretion aſſeſſed; And the ſame ten Jurors of the firſt Inquiſition may be taken, &c.

A Fine adjudged Jurors.

Audita Querela.

Beverley againſt *Vnet*, *Eaſter*, 4. *Car. rot.* 788. Afterwards, &c. Therefore it is conſidered that the ſaid Plaintiffe from his execution aforeſaid, by reaſon of the aforeſaid writing in the nature of

For reſtitution of goods and Lands, and the profits thereof.

Demurrer.

FOr the Defendant upon a Scire facias, 26
Continuance of a Demurrer 7, 11, 12, 23
In Account 12
For the Plaintif upon a Demurrer to the Declaration 50, 234
Againſt two Defend. for ſeverall ſummes 44
Demurrer to the Defendants plea at the Aſſizes 182
Upon the Evidence 188
For the Defendant upon ſuch Demurrer 199
Demurre in Law under the Seal of a certaine acquittance 340
See other Titles.

Detinue.

ISſues returned upon a Diſtringas, *and a VVrit of* Inquiry *returned* 45
For the Plaintif upon a Demurrer and the like &c. 46
Judgement and Verdict in an action of detayning of Goods 343

Dower.

ABatement the Tenant being under age. 67
Verdict and a VVrit of Seizin, and Inquiry awarded. 47

Returne

The Table.

Return of a writ of Seisin 48
The like, and the return of an Inquisition, and Judgment thereupon, 49
The Demandant remits part of the value, and damages and Judgment for the rest, and a Writ of Seizin awarded 51
Part for the Demandant, and part for the Tenant, 53
Some of the Tenants appear, and some make default at the Assizes, 64
Return of a writ of Seisin and Inquiry, where the husband did not dye seised 54
Petit cape *awarded against the Tenant,* 54
Against three Tenants, where one made default, and the other pleaded, and judgment against all as to part, &c. 54
The Tenants demurred to the Evidence, and after judgment for the Demandant 56
Judgment for Seisin damages and Rent, 57
Returne of a Writ of Seizin and Inquiry executed by a late Sheriffe 48
Remitment of the Damages and Value, and Judgement for seisin 59
Day given to one to prove her husband dead, and doth it; and Judgement thereupon, 62
Damages unduely given, and after waived, 64
Against a Vouchee conditionally 66
Elegit *awarded for damages,* 68

Ejectment

Ejectment.

After verdict at the Assizes, 71
Part for the Plaintif, part for the defendant, 72
Relinquisheth his Plea, and Judgement thereupon 73
One Defendant not guilty, the other guilty of part, 82
Judgement after a verdict at the bar, and the return of the writ of possession 74
The VVrit of Enquiry executed, and not the Writ of possession, and a new Writ awarded, 79
Remitment of damages, and prayeth increase of costs, and Judgement for the Lands, 80
Judgement for costs only the Term being past, 82
The Sheriffs Returne of a Writ of Inquiry and possession, and the Court will advise before Judgment 84
The Sheriff returneth, that possession was delivered by his predecessor, and a Tarde as to the Writ of Inquiry, 85
Against two Defendants severally, 210
Mandavi ballivo to a writ of possession, and a Non omittas awarded, 227
Awarding of a writ of possession. 300

Elegit.

THe Return thereof 17, 33
The like when it was executed by a Bailiffe of a Liberty 29
Elegit awarded in Dower 68

Errour.

JVdgment affirmed, and a Capias ad satisf. awarded 134
For the Plaintiffe, and a Scire fac: awarded for Restitution 164
A new Writ awarded, one of the Plaintiffs being dead 269
One writ unduely prosecuted, and another awarded 270
The Defendant prayeth an Imparlance, where Diminution was not alleadged 27
Judgement affirmed, and costs increased for delay 289
Judgment made void, the Plaintiff in the Errors being under age 293
Continuance of Errors 331
A Fine made void by a VVrit of Error 309
Judgment affirmed after a VVrit of Error in the Exchequer Chamber, 311
Judgment made void upon an Attachment in London 314
A VVrit of Error where the Def. demurs in Law upon the Error 342

Executor.

JUdgment againſt his proper Goods 22
Againſt the Teſtators Goods 28
Againſt the Teſtators goods, if, &c. if not, the damages againſt the Executors goods 38
Againſt one Executors Goods and not the other for Damages 39
Againſt an Executors own Goods upon a Devaſtavit 135
Satisfaction acknowledged by an Executor, 146
A Writ of Inquiry againſt an Executor, for breach of Covenant 152
Relinquiſheth his Plea, and Judgment againſt the Inteſtates Goods 217

Eſſoyne.

FUrther day given 32
Eſſoyne made, for that in the Kings Service 232
Falſe Impriſonment, See Treſpaſs
Falſe Judgement See Errour. Forcible Entry See Information.

Formedon.

JUdgement in Formedon 86

Hue and Cry.

JUdgement upon the Statute, 128

Informations and Indictment.

For buying a pretended title 87
Upon the Statute for Recusancy 88
Pardon pleaded to an Indictment 240
Verdict against an Informer, with costs of suite 225
The Attorney Generall will not prosecute the suite 226
Pardon pleaded, and good as to part 253
Judgment in High Treason 292
That the Felon be not put to death, the goods stolne being under value 292
Judgment in Forcible Entry 304
Judgment against a Felon where he challenged beyond number 327
See statute.

Writs of Inquiry.

Judgment upon a Writ of Enquiry of damages, 310
One Writ of Enquiry quashed, and a new one awarded, 254
See more in other Titles.

Manucaptors.

The Entry of a discharge for them 264
Maintenance, See Statute.
New assignment, See Trespass.

Outlawry.

The ſame reverſed for error in the Proclamation 149
The like Proclamation being unduely executed 148, 150
Reverſed by pardon 228
Reverſed for not appearing to the Sci.fa. 263
Entry of Allocutus *to the* Exigent 267
Outlawry *reverſed, the debt being ſatisfied* 268
Continuance of an Exigent 330
Pardon, See Outlawry and Jndictment

Partition.

JUdgment to part a Free Warren, and a Writ awarded to the Sheriff for that purpoſe, and the Sheriffs return 166
Part found for the Pl. part for the Def. 108
That Partition be made after a Demurrer

Prohibition.

A Non-ſuite *at the Aſſizes, and a Writ of* Conſultation *awarded* 195
A writ of Conſultation *for not proving the Suggeſtion within ſix months, and double Coſts* 97
Prohibition for part, Conſultation for the reſidue 99, 101
Conſultation for not proving the ſuggeſtion 99

Verdict

Verdict for the Defendant, and Judgement thereupon 103
Continuance of a Demurrer and Issue, and the Plaintiffe will not prosecute the Issue, and Judgement against him 103
A Writ of Consultation *awarded after a Demurrer* 105
Judgement for the Plaintiff 317
For the Defendant 317

Quare Impedit.

Judgement for the Plaintiffe, and that the Ordinary admit him to present 110
Verdict and Judgment at the Assizes, and a Writ directed to the Bishop 112
Upon a Demurrer where the right of presentation belonged to the King 111
Recusancy, See Statute
Remitter, See trespas Debt, &c.

Replevin.

Part for the Plaintiff, part for the Defendant, add costs set aside 115
Return Habend *awarded, and damages given* 116
The Sheriffs Return upon a Return habend. *& a* Capias *in* Withernam, *& an Attachment awarded against the Plaintif* 127
For the Plaintiff upon a Demurrer, and a writ of Inquiry *for detaining the cattel,* 119,125

The

The like for the Defendant, and a Return Habend. *awarded* 120
Fine made to the King, and a Superſedeas *to a* Cap. *in* Withernam *after Bail put in* 12
The Return of a Return. Habend. *and a Writ of Inquiry by a Bailiffe of a Liberty, and a* Non omittas, *and a* Capias *awarded* 122
A Nihil *returned upon a* Cap. *in* Withernam *and an* Alias *and* pluries, &c. *awarded*, 125
Capias *in* Withernam *for part, and a* Capias *for the reſidue* 126
Scire facias *againſt the Sheriff, for taking inſufficient Pledges* 126
One of the Defendants guilty, and the other acquitted 127
A Writ of ſecond Deliverance returned to a Return Habend. 127
Avowry for Rent, and the Plaintiffe replied non Arrear, and judgment thereupon 128
The Plaintiff non ſuit, & a Return Hab. *awarded to the Coroner, and damages adjudged* 150
Damages adjudged for the Def. & a writ of ſecond deliverance awarded 167
Demurrer to the avowry, & Judgment for the Plaintiff, and a Writ of Enquiry, &c: 237
Judgment for the Plaintif after a writ of Inquiry, 256

For impounding a Distress out of the Hundred 294
Judgement for the Plaintiff where the Justices give Damages 309
Judgement for the Defendant upon a Demurrer for part, and for the Plaintiff for part upon another part of the Defendants Plea, and Execution stayed till issue tryed 160

Restitution.

Judgment for Restitution in Attaint, fol. 1
For Goods, Lands, and the profits thereof in Audita Querela 3
See Error. Return Habend. *see* Replevin.

Ravishment of Ward.

Judgement to recover the value, if, &c. and damages and satisfaction acknowledged 93,94
Inquisition returned, and Judgement for the value 229
Judgement in a Writ of Recta Custod. 87, 145

Scire Facias.

Judgment for the Defendant upon a Demurrer 26
Nonsuit upon a Scire facias 93
Scire fac. *for taking insufficient pledges upon a* Replevin 126
For Restitution in a Writ of Error 164

In Abatement of a Scire fac. 218
Judgment for the Plaintiff by default 301
Continuance of a Scire facias, *and the like to heare Errors* 330
Entry of a Scire fac, 341

Sheriff.

Returneth an Inquisition delivered to him by an Administrator of his Predecessor 144
Testatum Fieri fac. *awarded* 276
Entry of a Writ of Averment against a Sheriff 280
Entry of a Duces tecum 277

Slander, *See Case.*

Statute:

Statute Staple and void, and restitution adjudged upon an Audita Querela 3
For the treble value for Tythes 15
Upon the Statute of Hue *and* Crye 128
Inquisition returned upon a Statute by the Chancelior of Lancaster 138
Treble damages for a Constable 213
For impounding a Distress out of the hundred 294
For fishing in the Plaintiffs waters 295
Judgement in Maintenance 299
Judgement in Premunire *upon the Statute of* 26 Ric: 2. 305
Judgment upon the Stat. of Labourers, 307

Double

Double damages for profecuting in the Admiralty 318

Treſpaſs.

Judgement, part for the Plaintif, part for the Defendant 126
Upon the new Aſſignment the like 159
In Battery *the like* 127
Damages increaſed upon ſight of the wounds 228,249
Judgment upon the new Aſſignment 18
Satisfaction acknowledged 133
Judgment for the Plaintiff upon a Demurrer to the new Aſſignment 156
Damages ſeverall, and Coſts intire againſt ſeverall Defendants 170,173,175
Judgment for part where the Plaintiff Demurred for part, and replyed to the other, and the Defendants demurred, and Judgment for him 171
Not guilty to part and Demurrer for the Reſidue 177
Two Juſtifie, and one prayeth Ayde, and the other confeſs, and Iudgment againſt all but him that prayed ayd 178
Demurer to the Defendants Plea at the Aſſizes 182
Demurer upon the Evidence 186
The Defendant Relinquiſheth his Plea, and the Plaintiff remits damages 190
Judgment in Treſpaſs. 250

Againſt a man and his wife 200
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Upon two ſeveral Iſſues, one for the Plaintif the other for the Defendant 202
For the Plaintif upon ſeveral Iſſues joyned 206
Juſtifieth the aſſault as his Villaine, and the Plaintif ſayth he is free, and the Plaintif not to be moleſted the Suit depending, 248
Damages mitgated by the Plaint. aſſent, 294
Againſt one Defendant; and a Remitter of Damages againſt the other upon ſeverall Iſſues joyned 297
Upon Son aſſault Demeſne *one Defendant found guilty, and the reſt not* 308

Venire facias.

R*Eſpited for want of Freeholders within the Hundred* 226
Confeſſeth part and pleadeth to the reſt, and a Venire *awarded* 20
Venire *in two Countries* 129, 133
Venire *after the Verdict quaſhed* 147, 244
Two Venires *returned for the ſame Cauſe, and void, and a new one awarded* 162
Venire *continued* 192
One of the former Jury withdrawn, and a Venire *awarded* 254
For trying of an Iſſue in Cambr. *where the* Venew *was laid in the Iſle of* Ely 32, 3

Verdict

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Verdict quashed 147
Verdict upon a speciall Verdict 172
The Venire *mistaken, & Verdict quashed* 195
Verdict quashed, because the Jurors did eat and drinke before they agreed of their Verdict, 240
Verdict quashed, because one of the Jurors was challenged as Tenant to the Plaintiff 244

Wager of Law:

SEE Debt.
For the Plaintif where the Defendant made default 31,41,200
For the Defendant where the Plaintif became Non-suit 31
Further day given by consent 33. *An Judgment for the Defendant* 43
Wager of Law perfected 266,33

Waſt:

TReble *damages for part residue for the Defendant* 191
To recover Seisin and damages 192
Return of a Writ of Seisin 192
Upon a Demurrer the Plaintife remits part, and Judgment for the residue 193
Treble Damages, and the place wasted, 211

The TABLE.

Waiver of Plea.

SEE Debt.
In Ejectment 7
In Account. 15
In Treſpaſs 19
The Defendant waives his Plea after the Ple
Pleaded at the Aſſizes, and a Verdict D
Bene eſſe 24
Waiver of plea of Conditions performed 26
Withernam, *See* Replevin.

FINIS.

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